

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

**ADMINISTRATIVE ORDER S-2021-071  
(Supersedes Administrative Order S-2021-051)**

**COURT OPERATIONS AND JUDICIAL PROCEEDINGS  
DURING MITIGATION FROM THE COVID-19 PANDEMIC**

Based on the increased number of this state's population who have been vaccinated against COVID-19 and the decreasing weekly numbers of new COVID-19 cases in this state, the Florida Supreme Court issued revised health and safety protocols for court operations in Florida.<sup>1</sup> In light of the Florida Supreme Court's revised health and safety protocols, the wearing of a face mask in courthouse facilities will no longer be required effective November 15, 2021. It remains appropriate to carefully conduct in-person jury trials in both criminal and civil cases and specific in-person judicial proceedings while allowing judicial discretion to continue conducting many judicial proceedings by remote means.

By the power vested in the chief judge under article V, section 2(d), Florida Constitution; section 43.26, Florida Statutes; Florida Rule of General Practice and Judicial Administration 2.215(b); and Florida Supreme Court Administrative Order AOSC21-17, Amendment 2 (November 4, 2021), it is ORDERED:

**1. Health and Safety Protocols**

**A. Face Masks**

The wearing of a face mask is no longer required in any courthouse facility.<sup>2</sup> Any person may voluntarily wear a face mask in any area of a courthouse facility.

**B. Clear Face Masks for Witnesses and Jurors**

If a witness or a juror chooses to wear a face mask, the presiding judge may require that the witness or juror wear a clear face mask.<sup>3</sup> If the presiding judge requires that a witness or juror wear a clear face mask based on the witness's or juror's choice to wear a face mask, a clear face mask will be provided to the witness or juror.

C. Participant May Request Physical Distance

Any participant<sup>4</sup> may request to be physically distanced during an in-person court proceeding. The presiding judge will address such requests as appropriate under the circumstances at the time of the request.

**2. In-Person Proceedings**

The following matters should be conducted as in-person proceedings:<sup>5</sup>

- A. Delinquency change of plea hearings and pretrial conferences;
- B. Delinquency trials, including disposition and post-disposition hearings, and submission of fingerprints or a DNA sample, or both;
- C. Dependency and termination of parental rights trials;
- D. Return hearings on petitions for protective injunctions against (i) domestic violence; (ii) repeat violence; (iii) dating violence; (iv) sexual violence; (v) stalking; or (vi) prevention of child abuse under chapter 39, Florida Statutes;
- E. Return hearings on petitions for protective injunctions against exploitation of a vulnerable adult (§825.1035, Florida Statutes);
- F. Hearings on petitions seeking a judicial waiver of the notice and consent requirements of section 390.01114, Florida Statutes;
- G. Hearings on petitions for risk protection orders;
- H. Hearings to determine whether an individual should be involuntarily committed under the Baker Act or the Marchman Act unless that individual waives the right to physical presence.
- I. Jury trials; and
- J. Grand jury proceedings.

**3. Discretionary In-Person or Remote Proceedings**

A. Considerations

Any proceeding not specifically addressed in section 2 of this

administrative order may proceed either in person or remotely, subject to the presiding judge's or quasi-judicial officer's discretion, except that a proceeding must be conducted in person if the presiding judge or quasi-judicial officer determines that remote conduct of the proceeding is inconsistent with United States or Florida Constitution, a statute, or a rule of court.

B. Notice

Judges and quasi-judicial officers should post on their respective websites the specific types of proceedings heard that will presumptively proceed in person and the specific types of proceedings that will presumptively proceed remotely.

C. Required Health and Safety Protocols

Judges and quasi-judicial officers who conduct any in-person court proceeding must adhere to all health and safety protocols enumerated in section 1 of this administrative order.

D. Location

All remote proceedings must be conducted by the judge or quasi-judicial officer from her or his courtroom, hearing room, or judicial chambers or office.

**4. Transportation of Criminal Defendants and Juveniles Accused of Delinquent Acts**

A. Criminal Defendants

The sheriff must transport a criminal defendant to a downtown Tampa or Plant City courtroom for the following in-person court proceedings:

- a. a change of plea hearing if ordered by the presiding judge to be conducted in person;
- b. an evidentiary hearing if ordered by the presiding judge to be conducted in person;
- c. a competency hearing if ordered by the presiding judge to be conducted in person;
- d. a pretrial conference scheduled within 7 days of the scheduled trial date;

- e. a non-jury or jury trial;
- f. a sentencing hearing if ordered by the presiding judge to be conducted in person; and
- g. any other proceeding with the express prior approval of the chief judge.

Criminal defendants will not be transported for routine disposition hearings, status hearings or arraignments.

**B. Juveniles**

The Department of Juvenile Justice must transport a juvenile in secure detention charged with committing a delinquent act to a downtown Tampa courtroom for the following in-person court proceedings:

- a. a change of plea hearing;
- b. a pretrial conference scheduled within 7 days of the scheduled trial date (adjudicatory hearing date);
- c. a trial (adjudicatory hearing), including disposition and post-disposition hearings;
- d. submission of fingerprints or a DNA sample, or both, if ordered by the court; and
- e. any other proceeding with the express prior approval of the chief judge.

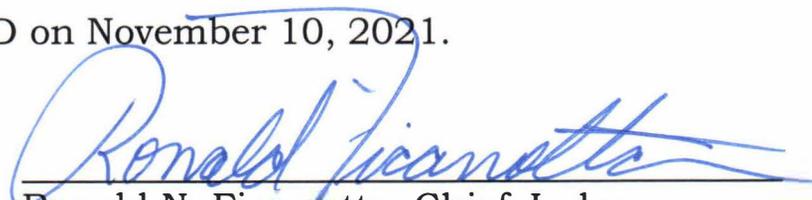
**5. Previous Administrative Order Superseded**

This administrative order supersedes Administrative Order S-2021-051 (*Court Operations and Judicial Proceedings during Mitigation and Recovery from the COVID-19 Pandemic*).

**6. Effective Date**

This administrative order is effective on November 15, 2021.

ENTERED on November 10, 2021.

  
Ronald N. Ficarrota, Chief Judge

Original: Cindy Stuart, Clerk of the Circuit Court

Copy: All Judges  
All General Magistrates and Hearing Officers  
Gina Justice, Trial Court Administrator  
Andrew H. Warren, State Attorney  
Julianne Holt, Public Defender  
Chad Chronister, Sheriff  
Ruben Delgado, Interim Chief, Tampa Police Department  
James Bradford, Chief, Plant City Police Department  
Kenneth R. Albano, Chief, Temple Terrace Police  
Department  
Charlie Vazquez, Chief, TIA Police Department  
Christopher Daniel, Chief, USF Police Department  
Doug Bakke, COO, Court Operations, Clerk's Office  
John Kynes, Executive Director, Hillsborough County Bar  
Association  
Pat Kemp, Chair, Board of County Commissioners  
Christine Beck, Hillsborough County Attorney  
Bonnie Wise, Hillsborough County Administrator  
Ita M. Neymotin, Regional Counsel, Second District  
Patrick Barrentine, Department of Corrections  
Rick Dragotto, Managing Attorney, Guardian ad Litem  
Program  
Chris Card, Chief of Community-Based Care, Eckerd  
Connects  
M. Sarah Hawk, Circuit 13 Managing Attorney,  
Department of Children and Families, Children's  
Legal Services  
Jonathan Jenkins, Regional Counsel's Office  
Beth Pasek, Community Development Coordinator,  
Department of Children and Families  
Jennifer Hock, Hillsborough County Sheriff's Office  
Department of Juvenile Justice  
ACTS Juvenile Assessment Center

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<sup>1</sup> *In Re: COVID-19 Health and Safety Protocols and Emergency Operational Measures for Florida Appellate and Trial Courts*, Fla. Admin. Order No. AOSC21-17, Amendment 2 (November 4, 2021).

<sup>2</sup> As used in this administrative order, the term *courthouse facility* means the George Edgecomb Courthouse, the Courthouse Annex, the Plant City Courthouse, the building located at 700 East Twiggs Street in downtown Tampa, the Pat Collier Frank court building in downtown Tampa, and any other building which houses judicial staff or areas where court business is conducted. The health and safety protocols established in this administrative order are not intended to govern activities inside of the separate offices of other constitutional officers.

<sup>3</sup> As used in this administrative order, the term *clear face mask* means a mask that fits snugly around the nose, chin, and sides of one's face and completely covers the nostrils and mouth with a clear plastic panel or panels to better enable the viewing of a wearer's facial expressions.

<sup>4</sup> As used in this administrative order, the term *participant* means, during an in-person court proceeding, any party, attorney, witness, juror, bailiff, court reporter, court interpreter, clerk, judge or quasi-judicial officer who is required to be present during the court proceeding.

<sup>5</sup> If a matter contained on this list was previously noticed as a remote proceeding, it may not be logistically feasible or efficient to re-notice that proceeding for an in-person appearance. The clerk is not responsible for re-noticing any proceeding that has already been set for a remote appearance. Additionally, there may be extraordinary and rare circumstances in which the court may order some or all of a proceeding to be conducted remotely. This includes when a juvenile in a delinquency case resides out of county and, as a result, the parties all agree to a remote plea hearing, and then the court determines it is appropriate to hold it remotely.