

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

**ADMINISTRATIVE ORDER S-2023-024
(Supersedes Administrative Order S-2021-070)**

JUVENILE DELINQUENCY DIVISION

As a result of Administrative Order S-2023-022 abolishing Juvenile Crossover Division "M," it is necessary for the proper administration of justice to revise certain assignment provisions in the Juvenile Delinquency 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. Divisions & Application of Administrative Order

There are two standard subdivisions in the Juvenile Delinquency Division: Divisions "A" and "F." There are also two specialized subdivisions in the Juvenile Delinquency Division: Juvenile Mental Health Delinquency Division "B" and Juvenile Drug Court Division "E." This administrative order governs matters in Division "A," Juvenile Mental Health Delinquency Division "B," and Division "F." This administrative order does not govern matters in Juvenile Drug Court Division "E."

2. Assignment of Cases

A. Petitions for Children in Need of Services/Families in Need of Services (CINS/FINS) and Truancy

All petitions under chapter 984, Florida Statutes, will be assigned to Division "F."

B. Sex-Related Offenses

All sex-related offenses will be assigned to Division "A." 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. Cases Pending in Crossover Division “M”

On or before the effective date of this administrative order, the clerk will reassign all crossover cases (dependency and delinquency cases involving the same family) that are pending in Juvenile Crossover Division “M” to Juvenile Delinquency Division “F.” The judge presiding in Juvenile Delinquency Division “F” will determine at the first hearing whether to retain the crossover dependency case(s) involving the allegedly delinquent juvenile or transfer the crossover dependency case(s) to the appropriate dependency division. All crossover delinquency cases will be handled in Juvenile Delinquency Division “F.”

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"	A, B, C, D, E, P, Q, R, S, T, U, V, W, X, Y, Z
"F"	F, G, H, I, J, K, L, M, N, O

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"	A, B, C, D, E, P, Q, R, S, T, U, V, W, X, Y, Z
"F"	F, G, H, I, J, K, L, M, N, O

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, unless the juvenile's pending case is in Juvenile Mental Health Delinquency Division "B." If a juvenile's pending case is in Juvenile Mental Health Delinquency Division "B," the newly filed petition will be assigned to Division "B" only by order of the presiding judge of

Division “B.” The decision to transfer the new charge to Division “B” will be made on a case-by-case basis after consultation with the parties.

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 that 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 “A” solely because of the case’s status as a sex-related offense (see §2B of this administrative order) or any defendant has a case pending in Juvenile Mental Health Delinquency Division “B” (see §3 of this administrative order). If any defendant has a case pending in Division “A” solely because of the case’s status as a sex-related offense, that defendant’s case(s) will be transferred into Division “A,” apart from any other co-defendant(s). If any defendant has a case pending in Juvenile Mental Health Delinquency Division “B,” that defendant’s case(s) will be transferred into Division “B,” apart from any other

co-defendant(s), for the presiding judge of Division “B” to determine whether the new charge will remain pending in Division “B.”

E. Competency to Proceed

i. Preliminary Determination

If there is reason to believe that the juvenile named in the delinquency petition may be incompetent to proceed, the court will appoint two mental health experts to evaluate the juvenile’s mental condition. The juvenile’s case will remain in the respective division pending the competency evaluation. If the appointed mental health professionals evaluate the juvenile in the courthouse facility, the mental health professionals will complete a written preliminary competency evaluation checklist with a preliminary recommendation as to the juvenile’s competency.

ii. Competent to Proceed

If the preliminary recommendation is that the juvenile is competent to proceed, or if both experts do not agree on whether the juvenile is competent to proceed, the juvenile will remain in the respective division unless the court determines that the juvenile’s behavioral or mental health issues may be more appropriately addressed in Juvenile Mental Health Delinquency Division “B” in accordance with section 3C of this administrative order. If the court determines that the juvenile’s behavioral or mental health issues may be more appropriately addressed in Juvenile Mental Health Delinquency Division “B,” the court will transfer the juvenile’s case(s) to Juvenile Mental Health Delinquency Division “B.” If both experts do not agree on whether the juvenile is competent to proceed, the court may appoint a third expert to evaluate the juvenile’s mental condition.

iii. Incompetent to Proceed

If the preliminary recommendation is that the juvenile is incompetent to proceed, the court will immediately transfer the juvenile’s case(s) to Juvenile Mental Health Delinquency Division “B.” In accordance with section 985.19(1)(b), Florida Statutes, the presiding judge of Division “B” will make a formal determination of competency at a hearing with findings of fact based on a final written evaluation of the juvenile’s mental condition made by the

appointed mental health experts. In accordance with section 985.19(1)(c), the presiding judge of Division “B” will enter an order determining incompetency, including specific written findings as to the nature of the incompetency and whether the juvenile requires secure or non-secure treatment or training environments.

iv. Restoration of Competency

Upon restoration of competency, a goal of the Juvenile Mental Health Delinquency Court is for the juvenile to be offered appropriate diversionary programs upon agreement between the parties. Juveniles may be offered a diversionary program and remain in Division “B” for further monitoring. If the parties do not agree to a diversion pathway, the court will transfer the competent juvenile to the original division for disposition of the case through plea, motion, adjudicatory hearing, or other agreed upon resolution.

3. Juvenile Mental Health Delinquency Division “B”

A. Purpose

Juvenile Mental Health Delinquency Division “B” has been established as the specialized subdivision to monitor (i) juveniles preliminarily recommended to be incompetent to proceed, (ii) juveniles judicially determined to be incompetent to proceed, and (iii) juveniles competent to proceed but in need of mental health services.

B. Transfer of Incompetent to Proceed Cases

The clerk will transfer to Juvenile Mental Health Delinquency Division “B” all juveniles who are found incompetent to proceed and all juveniles who have been evaluated by a mental health professional in the courthouse facility and whose experts’ preliminary recommendations are that the juvenile is incompetent to proceed.

C. Behavioral or Mental Health Issues

By agreement of the parties and the court, certain juveniles with behavioral or mental health issues may be eligible for transfer to Juvenile Mental Health Delinquency Division “B” without having had a preliminary mental health evaluation. Juveniles with behavioral or mental health issues may also be eligible for transfer

to Division “B” if the preliminary recommendation is that the juvenile is competent to proceed or if both experts do not agree on whether the juvenile is competent to proceed. In any of the three situations above, upon court approval, defense counsel will prepare and submit a transfer order for each eligible juvenile together with the diversionary agreement. The clerk will transfer the eligible juveniles to Division “B” upon receipt of the transfer order. All case related matters will be addressed in Division “B.”

D. New Criminal Charge

If a juvenile is charged with a new criminal offense while the juvenile has a case or cases pending in Juvenile Mental Health Delinquency Division “B,” the new charge may be transferred to Division “B” by order of the presiding judge of Division “B.” The decision to transfer the new charge to Division “B” will be made on a case-by-case basis after consultation with the parties.

4. 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 standard juvenile delinquency subdivision judges have entered orders of disqualification, the clerk will reassign the case to the judge presiding in Juvenile Mental Health Delinquency Division “B.” If the judge presiding in Juvenile Mental Health Delinquency Division “B” enters an order of disqualification, the clerk will reassign the case back to the original division, unless the judge presiding in the original division has already entered an order of disqualification in which event the clerk will reassign the case to the administrative judge of the Circuit Criminal Division.

5. Consultation Regarding Crossover Cases

On and after the effective date of this administrative order, if a judge presiding in the Juvenile Delinquency Division becomes aware of a dependency or termination of parental rights case involving a juvenile who is subject to a pending delinquency petition, the judge may consult with the judge presiding in the applicable Juvenile Dependency Division to determine whether it would be appropriate to transfer either the delinquency case or the

dependency / termination of parent rights case to the other judge's division. A case should only be transferred by clerk to the other subject matter division if both the presiding judges in the delinquency division and the dependency division consent to the transfer.

6. 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.

Unless the presiding judge directs otherwise, 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.

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.

7. 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

Unless the presiding judge directs otherwise, an attorney who is requested to submit a proposed order or judgment will do so through the Florida Courts E-Filing Portal ("Portal").

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.

8. Cancellation of Hearings

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

9. 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.

10. 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. Gen. Prac. & Jud. Admin. 2.550.*

11. 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.

12. 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. The Justice Administrative Commission procedures can be accessed at <https://www.justiceadmin.org/caifc.aspx>.

13. Professional Conduct and Courtroom Decorum

Counsel will adhere to The Florida Bar's Guidelines for Professional Conduct,¹ The Florida Bar's Professionalism Expectations² 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.

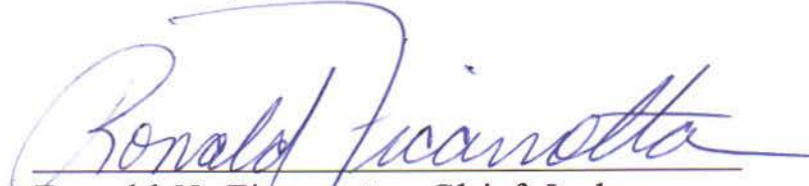
14. Previous Administrative Order Superseded

This administrative order supersedes Administrative Order S-2021-070 (*Juvenile Delinquency Division*).

15. Effective Date

This administrative is effective June 12, 2023.

ENTERED on June 7, 2023.



Ronald N. Ficarrotta, Chief Judge

Original: Cindy Stuart, Clerk of the Circuit Court
Copy: All Juvenile Delinquency Division Judges
Susan S. Lopez, State Attorney
Julianne Holt, Public Defender
Ita M. Neymotin, Regional Counsel, Second District
Department of Juvenile Justice
ACTS Juvenile Assessment Center

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>