IN THE THIRTEENTH JUDICIAL CIRCUIT
HILLSBOROUGH COUNTY, FLORIDA

ADMINISTRATIVE ORDER S-2024-022
(Supersedes Administrative Order S-2023-059)

CRIMINAL DIVISION "O" – PRELIMINARY PROCEEDINGS

It is necessary for the proper and efficient administration of justice to update the provisions in Criminal Division "O" dealing with preliminary proceedings based on legislative amendments to sections 903.011 and 907.041, Florida Statutes.

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. Proceedings

The presiding judge of Criminal Division "O" will conduct the following proceedings:

- First appearance hearings on all criminal cases;
- Bond and release on recognizance motions on felony cases not yet assigned to a division;
- Bond and release on recognizance motions for all misdemeanor and traffic cases filed prior to the defendant's scheduled arraignment date;
- Interstate cooperation matters under chapter 941, Florida Statutes (fugitive warrants and governor warrants);
- Interstate extradition of witnesses under chapter 942, Florida Statutes;
- Adversary preliminary proceedings;
- Petitions to seal and expunge records in cases with no division assignment;
- Motions to quash in criminal cases with no division assignment;

- Matters relating to investigative subpoenas issued by the state attorney until such time as any related criminal case is assigned to a division;
- Motions seeking return of a firearm when an individual is arrested but the state attorney does not file criminal charges;
- Other circuit criminal matters relating to cases with no division assignment;
- Other circuit criminal matters upon request or approval of the presiding judge of the assigned division;
- Certain pretrial detention hearings enumerated below; and
- Any emergency criminal matter not assigned to another division.

2. <u>Pretrial Detention Hearings</u>

A. <u>Mandatory Pretrial Detention Hearings in Accordance with Section 907.041(4)(d), Florida Statutes</u>

i. Capital and Life Felony Offenses

Pretrial detention hearings for persons arrested for a "dangerous crime" as defined by section 907.041(4)(a), Florida Statutes, that is a capital felony or a life felony, will be scheduled for a mandatory pretrial detention hearing in one of the three felony trial divisions within 5 business days of an arrestee's first appearance in Criminal Division "O." A pretrial detention hearing schedule will be coordinated amongst the three felony trial division judges. The administrative judge of the Circuit Criminal Division will compile this schedule and provide it to the clerk. The clerk will ensure that the felony trial divisions are assigned to these mandatory pretrial detention hearings on an equitable basis.

ii. First Degree Felony Offenses

Pretrial detention hearings for persons arrested for a "dangerous crime" as defined by section 907.041(4)(a), Florida Statutes, that is a first degree felony, will be scheduled for a mandatory pretrial detention hearing in Criminal Division "O" within 5 business days of an arrestee's first appearance.

B. Discretionary Pretrial Detention Hearings in Accordance with Section 907.041(4)(c), Florida Statutes

The presiding judge of Criminal Division "O" will conduct pretrial detention hearings for persons arrested for any felony offense not requiring a mandatory pretrial detention hearing in accordance with section 907.041(4)(c), Florida Statutes. If the state attorney files a motion for pretrial detention under this statutory provision, the pretrial detention hearing must be held within 5 business days after the filing of the motion. *See* § 907.041(4)(g), Fla. Stat. (2023).

3. Proceedings Conducted via Audiovisual Devices

All proceedings in Criminal Division "O" will be conducted via audiovisual devices and be electronically recorded.

4. Emergency Matters

Emergency matters to be heard by the presiding judge in Criminal Division "O" will be scheduled by the judge.

5. Case Information and Documentation

All documents pertaining to the cases on the docket of any given day should be available to the Criminal Division "O" judge while court is in session, including but not limited to, driver histories, rap sheets, informations, criminal report affidavits, and the files of the probation department, state attorney, public defender, and clerk of the court.

6. Reassignment upon Disqualification

If the presiding judge of Criminal Division "O" enters an order of disqualification, the clerk will immediately reassign the matter to the administrative judge of the County Criminal Division or, if the administrative judge of the County Criminal Division is unavailable, then to the administrative judge of the Circuit Criminal Division, or if both administrative judges are unavailable, then to a designee of the chief judge.

7. Previous Administrative Order Superseded

This administrative order supersedes Administrative Order S-2023-059 (*Criminal Division "O" – Preliminary Proceedings*).

8. Effective Date

This administrative order is effective immediately.

ENTERED on January 19, 2024.

Christopher C. Sabella, Chief Judge

Original: Cindy Stuart, Clerk of the Court
Copy: All Circuit and County Criminal Court Judges
Gina Justice, Court Administrator
Patrick Barrentine, Department of Corrections
Melissa Moore, Major, Hillsborough County Sheriff's Office, Misdemeanor Probation
Susan "Suzy" Lopez, State Attorney
Julianne Holt, Public Defender
Chad Chronister, Sheriff
Lee Bercaw, Tampa Chief of Police
James M. Bradford, Plant City Chief of Police
Kenneth R. Albano, Temple Terrace Chief of Police