

IN THE COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
HILLSBOROUGH COUNTY, FLORIDA
CRIMINAL DIVISION

STATE OF FLORIDA

CASE NO:

v.

DEFENDANT NAME/

DIVISION:

**WAIVER OF PHYSICAL PRESENCE IN COURT
(OUT OF CUSTODY DEFENDANTS)**

(Addendum to Uniform Plea, and Acknowledgment of Waiver of Rights Form)

I understand that the President of the United States has declared a National Emergency due to the global pandemic caused by the Novel Coronavirus Disease 2019 (COVID-19 Pandemic). I also understand that the Governor of Florida has declared a State of Emergency in response to the COVID-19 Pandemic.

I understand that the Florida Supreme Court has issued Administrative Order AOSC20-12 authorizing the courts throughout the State to establish mitigating measures to prevent the effects of the COVID-19 Pandemic on their respective courts. I understand AOSC20-12 includes the “use of technology, electronic documents, electronic communications, and other electronic means of conducting court business to mitigate the spread of COVID-19, to the extent consistent with law” as an acceptable mitigating measure. I understand that the Florida Supreme Court has also issued Administrative Order AOSC20-13, suspending “all rules of procedure, court orders, and opinions applicable to court proceedings that limit or prohibit the use of communication equipment for the conducting of proceedings by remote electronic means.”

I understand that in furtherance of the Florida Supreme Court’s administrative orders, the Chief Judge of the 13th Judicial Circuit in Hillsborough County has issued Administrative Order S-2020-019, identifying plea proceedings as a “mission critical” proceeding and authorizing the use of video technology to conduct negotiated pleas for incarcerated defendants.

I understand that the Florida Supreme Court has issued Administrative Order AOSC20-23 allowing the chief judge of each circuit to determine whether certain proceedings or events can be effectively conducted remotely using telephonic or other electronic means. I understand that the Chief Judge of the 13th Judicial Circuit has issued Administrative Order S-2020-023 which allows criminal proceedings such as pleas to be conducted through audiovisual conferencing. Additionally that Order authorizes each presiding judge to determine the extent and specific method of conducting non-essential circuit criminal proceedings. The procedure of taking non-custody pleas via audiovisual conferencing is authorized by this Order and set forth on the 13th Judicial Circuit’s web page.

I understand that pursuant to Florida Rule of Criminal Procedure 3.180, I have the right to be physically present in court when a plea is made and when I am sentenced. I am choosing to waive my right to be present in-person at a plea and sentencing hearing and I am choosing to enter my guilty/no contest plea by way of video appearance, rather than wait for the court to re-open to in-person proceedings. No one has threatened me, coerced me in any way, or promised me anything to get me to waive my right to be physically present in the courtroom during my plea and sentencing.

I acknowledge that Florida Statute 921.241 provides that my fingerprints be manually taken in “open court and in the judges’ presence.” I hereby waive that statutory requirement. In effort to facilitate the entry of this plea by audio-visual means and in furtherance of COVID-19 mitigation efforts, I have submitted to having my fingerprints taken by the Hillsborough County Sheriff’s Office, have certified that they are, indeed, my fingerprints, and submitted that completed form to my attorney to file with the Court.

I acknowledge that I have communicated directly with my attorney personally or through videoconferencing, in a private setting, prior to the plea hearing and sentencing. My attorney has read the Uniform Plea, Acknowledgment and Waiver of Rights form line by line, this addendum to the plea form line-by-line, and the DNA form line-by-line and has answered my questions to my satisfaction. I have signed each of those documents and provided them to my attorney prior to the entry of this plea; OR I have authorized by attorney to sign them on my behalf after those discussions (with the exception of the Fingerprint Form.)

I acknowledge that if at any time during the plea or sentencing proceedings, I do not understand, or have a question that requires that I communicate privately with my attorney, I can choose to stop the proceedings.

DEFENDANT’S SIGNATURE

DATE

DEFENDANT’S PRINTED NAME

Date of Birth

ATTORNEY’S SIGNATURE

DATE

ATTORNEY’S PRINTED NAME