

OFFICE OF THE CHIEF JUDGE
THIRD JUDICIAL CIRCUIT
STATE OF FLORIDA

ADMINISTRATIVE ORDER 2014-008

IN RE: Matters Related to Involuntary Civil Commitment
Of Sexually Violent Predators Proceedings ("Jimmy Ryce Act",
Fla. Stat 394.910-.932).

ADMINISTRATIVE ORDER

WHEREAS, Fla. Statutes 394.910-.932 ("Jimmy Ryce Act") provides for the involuntary civil commitment of sexually violent predators and vests the circuit courts of the State of Florida with jurisdiction and duty to hold annual probable cause hearings of persons committed under the Act to determine if there is "probable cause to believe that the person's condition has so changed that it is safe for the person to be at large and that the person will not engage in acts of sexual violence if discharged" (Fla. Stat. 394.918(3)) and

WHEREAS, on June 5, 2014 the Supreme Court of Florida approved an amendment to Rule of Civil Procedure for Involuntary Commitment of Sexually Violent Predators 4.470, providing that persons committed under the Act have the right to be present at the annual probable cause hearing (SC 14-914, IN RE: AMENDMENTS TO FLORIDA RULE OF CIVIL PROCEDURE FOR INVOLUNTARY COMMITMENT OF SEXUALLY VIOLENT PREDATORS 4.470), and

WHEREAS, the provisions of the Jimmy Ryce Act now allows that in some cases commencement of involuntary commitment proceedings may be initiated against persons held in county jail facilities, and

WHEREAS, it would benefit the efficiency, consistency, and due process rights of all parties to make certain changes to judicial assignments to provide a specific judicial assignment charged with handling all annual probable cause hearings under the Ryce Act, and other uncontested matters arising post commitment or its equivalent, and

WHEREAS, under the recent amendments to the Act, which allow for commencement of Ryce Act proceedings against those in custody of county detention facilities, it is a good practice to advise defendants in some circumstances that Ryce Act proceedings may be commenced against them as a result of a plea resulting in incarceration in either the Department of Corrections, a juvenile detention facility, or a county detention facility; it is therefore

ORDERED THAT ACCORDINGLY, all Courts of the Third Judicial Circuit of Florida hereby adopt and abide by the following:

1. Rather than have all Ryce Act proceedings be assigned as part of the civil docket under the General Assignment Order issued by the Chief Judge, a new circuit level judicial assignment shall be created to handle certain Ryce Act proceedings. This assignment shall be referred to as a Status Review for Ryce Act Proceedings.
2. The judge assigned to Status Review for Ryce Act Proceedings will handle the following types of hearings and proceedings: a) Annual Probable Cause Hearings for persons already committed (or its equivalent) under the Act; b) Modifications of commitment (or its equivalent) agreements already entered into by the parties, and; c) Uncontested matters related to ongoing commitment or related to an agreed upon release from commitment. The judge assigned to Status Review for Ryce Act Proceedings will not handle original petitions for new commitments under the Act, or adversarial non-jury trials for release from commitment unless it falls into their already assigned civil assignment under the General Assignment Order.
3. Respondents who are committed (or its equivalent) under the Act may elect to have any matter arising from their existing commitment, except adversarial non-jury trials for release, heard before the judge assigned to Status Review for Ryce Act Proceedings, but

is not required to do so. If the respondent elects to do so, the respondent will complete a written waiver of venue which will be signed by the respondent and filed with the Court. This will be a condition precedent to having their matter transferred to the Status Review court.

4. The Status Review for Ryce Act Proceedings court will be assigned no less than one half day per quarter (3 months) to hear all matters which fall within its jurisdiction and for which appropriate waivers of venue have been filed. It will be the responsibility of the State and attorney(s) for the respondent to set actual hearings whenever possible on the assigned court day. If further court time is anticipated as necessary it is the responsibility of the parties to confer with the Court, Court Administration, the Clerk of the Court, and all parties to arrange mutually agreeable dates and times for hearings. It is anticipated however that the need for hearing time outside of the quarterly hearing date shall be rare and only when justified by the circumstances.

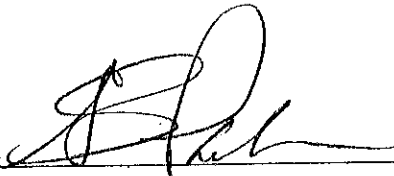
5. Court Administration shall designate, in consultation with the Court, the Office of the State Attorney, and the Office of the Public Defender, the place, time, and date for the quarterly Status Review hearings.

6. The initial judge assigned to the Status Review for Ryce Act Proceedings docket shall be Hon. Paul S. Bryan, Circuit Judge. This shall remain in effect until modified by the next General Assignment Order or further order of the Chief Judge.

7. Because changes in the Ryce Act statutes have greatly broadened the number of persons subject to Ryce Act proceedings, by allowing Ryce Act proceedings to be initiated against persons in the custody of county detention facilities as well as the Department of Corrections, attorneys of the criminal defense bar as well as attorneys of the State Attorney's office are strongly urged to inform all persons who are facing an incarcerative sentence of their potential exposure to Ryce Act proceedings where appropriate. While the holding of *Watrous v. State*, 793 So.2d 6 (Fla. 2d DCA 2001) makes it clear that when entering a plea that may subject someone to the possibility of commitment under the Act, the possibility of such a commitment is considered a

collateral consequence of the plea and neither the trial court nor counsel is required to advise the defendant of such a collateral consequence, the judges of this circuit urge, but do not require, that the judge, as well as counsel for the defendant and for the State, both in appropriate misdemeanor cases as well as felony cases to be mindful of this collateral consequence and to address it as a part of the plea. The judges note that this is regularly already done for felony pleas. It is urged that it be done for misdemeanor pleas as well.

DONE AND ORDERED this 30th day of July, 2014, in Chambers, at Taylor County, Florida,



Hon. Gregory S. Parker

Chief Judge

Original: All Clerks, Third Judicial Circuit
Certified Copy to Court Administration.

Copies to: All Judges, Third Judicial Circuit
Hon. Jeff Siegmeister, State Attorney
Hon. M. Blair Payne, Public Defender

Copies mailed this 11th day of August, 2014, by Mark Hupf.