

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR LAKE COUNTY, FLORIDA

IN RE: JUVENILE DELINQUENCY CASES ASSIGNED TO THE HONORABLE JASON J.
NIMETH, CIRCUIT JUDGE, PURSUANT TO ADMINISTRATIVE ORDER L-2024-38

ORDER ESTABLISHING PROCEDURES
FOR JUVENILE DELINQUENCY CASES ASSIGNED TO THE UNDERSIGNED

COMES NOW the Court pursuant to Florida Rules of General Practice and Judicial Administration 2.215(f) and 2.545. See also State, Dept. of Juv. Just. v. B.S., 763 So. 2d 513 (Fla. 4th DCA 2000). It is necessary to establish procedures for the handling of juvenile delinquency cases before the undersigned to “assure due process through which children, victims, and other interested parties are assured fair hearings by a respectful and respected court....while ensuring that public safety interests and the authority and dignity of the courts are adequately protected.” § 985.01(1)(b). Therefore, the Court having considered the Florida Rules of Juvenile Procedure, Florida Rules of General Practice and Judicial Administration, and Chapter 985, Florida Statutes, establishes the following procedures for the juvenile delinquency cases assigned to the undersigned.

1.0 General Provisions

1.1 Conflict Provision. This order shall not eliminate, limit, or suspend any requirements of a party pursuant to the Florida Rules of General Practice and Judicial Administration, Florida Rules of Juvenile Procedure, The Florida Bar Rules of Professional Conduct, or Florida law.

1.2 Case Numbering. Children sharing an agency case number, incident, or allegations of criminal behavior shall be handled under the same number. However, each child shall receive a letter designation differentiating the pleadings and filings for each child. Thus, the first child would be XXXX-CJ-XXXXXX-A, the second child would be XXXX-CJ-XXXXXX-B, the third child would be XXXX-CJ-XXXXXX-C, and so on and so forth.

1.3 Documents. Dissemination of the records relating to these proceedings have limitations under Florida law. See § 985.045; see also Fla. R. Gen. Prac. & Jud. Admin. 2.420. The Florida Supreme Court has designated juvenile delinquency records as confidential; thus, these records can only be released to those individuals authorized by law, statute, or court order. Fla. R. Gen. Prac. & Jud. Admin. 2.420(b)(4), (d)(1)(b)(xviii) (citing §§ 985.04(1), 985.045(2)). This rule applies to records made or received in connection with the transaction of official business of the judicial branch, and the judicial branch includes “the state court systems, the clerk of the court when acting as an arm of the court, the Florida Bar...and all other entities established by or operating under the authority of the supreme court or the chief justice.” Fla. R. Gen. Prac. & Jud. Admin. 2.420(b)(1)-(2).

Any party or individual requesting access to records of the court must file a petition with the Lake County Clerk of Court with a courtesy copy to the undersigned. Upon review

of said petition, the Court will determine what action, if any, is necessary to resolve said request.

This procedure shall not apply to records held by entities outside the judicial branch that may be subject to the provisions of Chapter 119, Florida Statutes.

1.4 Hearing(s). Florida Rule of Juvenile Procedure. 8.100 shall govern all hearings, and all juvenile hearings are open to the public. § 985.035(1). Any party wishing to close the proceeding must make written application to the Court prior to the desired hearing for which the party is requesting closure.

All hearings are in-person except as provided within this order or through motion to the Court. As a courtesy, proceedings will be simultaneously broadcast through remote technology, to wit: Zoom. § 985.035(2). This is for the benefit of the attendance of case managers with the Department of Children and Families and representatives of the Lake County School Board. Notwithstanding, no individual observing through Zoom will be permitted to speak or present information to the Court, unless specially authorized.

If a hearing is authorized to held through remote technology, any person appearing must present as would be expected in a traditional courtroom. Specifically, counsel is to present as required under the Rules Regulating Florida Bar Attorneys. See also Fifth Judicial Circuit Administrative Order A-2021-58. It is the responsibility of the party utilizing remote technology to appear on camera with a functional microphone. See Fla. R. Juv. P. 8.002. Furthermore, any testimony presented must comply with the procedural requirements of Florida Rule of Juvenile Procedure 8.100 and 8.104.

1.5 Time Limitations for Detention Care. Detention care applies to “a child in secure or supervised release detention, pending a court adjudication or disposition or execution of a court order” that includes secure detention or supervised release. § 985.03(18). The Court is limited in the amount of time a child can be under detention care. § 985.26.

A child in secure detention under detention care will be scheduled for an adjudicatory hearing prior to expiration of the established time limit. See §§ 985.26, 985.35. This adjudicatory hearing will be set at the time of the child’s first appearance. The Court has allocated time between the juvenile trial terms for the handling of cases involving children in secure detention only. When a general trial term is unavailable, these dates will be utilized. The Court’s calendar of these dates is available upon request.

In cases involving a child subject to supervised release detention care, any hearing where the child is present between the 45th and 60th day shall be considered the child’s supervised release review hearing. § 985.26(2)(a)(1). The parties shall be prepared to address the issues relating to the need for continued detention care at said hearing. Unless otherwise agreed, the State is responsible for filing any motion(s) necessary under Florida Rule of Juvenile Procedure 8.013 prior to the hearing with a courtesy copy to the Court. Any child requesting review prior, shall schedule a special hearing or provide notice to the State prior to a regularly scheduled hearing. See § 985.26(2)(a)3.

1.6 Cases Resolving in Diversion. It is not necessary for the Court to hold a hearing on the acceptance of a diversion offer. The child may execute a diversion contract outside a court hearing, if the child signs the contract and the Certification of Duty to Update

attached to this order as Addendum “A”. Upon receipt of the executed documentation, the Clerk of the Court will cancel the next court hearing and administratively close the case. The case will remain administratively closed until notice of a violation or notice of dismissal.

1.7 Walker Plan. It is not necessary for the Court to hold a hearing on the acceptance of a Walker Plan. The child may execute a Walker Plan Contract outside of a court hearing, if the child signs the contract and the Certification of Duty to Update attached to this order as Addendum “A”. Upon receipt of the executed documentation, the Clerk of the Court will cancel the next court hearing and schedule a six-month review at the end of the pretrial conference date for that month. The Court will continue to hold six-month reviews until the case is closed or the Walker Plan is violated.

1.8 Violations of Diversion. The Clerk of the Court will only reopen an administratively closed case from diversion upon notice of a violation. At the time of said notice, the Child will be placed on the next arraignment docket pursuant to section 3.0.

1.9 Resolutions for a Child in Secure Detention. When a child in secure detention has decided to accept a resolution that would result in an immediate release, the Court will allow the case to be added to the first appearance docket for disposition. However, the Court must be contacted prior to adding the case. All discussions about resolution must occur prior to the hearing—no time will be permitted at the hearing as the sole purpose is disposition. This is subject to the availability of the Secure Detention Facility.

1.10 Resolutions for Children Not Already Scheduled. If a child desires to accept a resolution in a case prior to the next regularly scheduled hearing, the parties must contact the Court to coordinate a disposition hearing. No party is authorized to unilaterally set a case for disposition outside of the provisions of this order.

1.11 Transferred Cases. Any case transferred from another jurisdiction for disposition shall be set for the plea negotiation conference and sentencing docket, if the child is not under detention care. If the child is under detention care, the case shall be scheduled for the next immediate docket before the Court. The Clerk and the State Attorney shall notify the Department of Juvenile Justice of the hearing, so it can notify the Child and the parent or custodian.

2.0 First Appearance Hearings

2.1 Hearing Schedule. The schedule for first appearances will be established each week. Children received for intake and screening by the Department of Juvenile Justice within two (2) hours of the Court’s scheduled first appearance, shall be added to the next juvenile first appearance docket.

2.2 Hearing Format. On those days where the Court does not have a regularly scheduled juvenile docket (i.e., arraignment, plea negotiation conference, sentencing, pretrial conference, adjudicatory hearing), first appearances will be conducted remotely through Zoom. Pursuant to Florida Rule of Juvenile Procedure 8.100(e)(3) good cause exists to hold these hearings remotely due to the time-sensitivity of the hearing, the anticipated duration of the testimony, and the potential geographic location of witnesses for the proceeding. See also Fla. R. Juv. P. 8.010(a).

When the Court has a regularly scheduled juvenile docket or adjudicatory hearing scheduled, first appearances shall be held at the start of that docket.

2.3 Probable Cause Determination. Children held in secure detention will be addressed first. The Court will then address those children who have been released to a parent or guardian or placed on supervised release.

Florida Rule of Juvenile Procedure 8.010 allows the Court to consider “a sworn complaint, affidavit, deposition under oath, or, if necessary, upon testimony under oath properly recorded” when determining probable cause. Therefore, the Court will review the submitted probable cause affidavit first. If after reading the probable cause affidavit, the Court is unable to find for probable cause, the Court will allow the presentation of additional evidence at that time that will be subject to cross examination. All parties are advised that pursuant to section 90.612(1), Florida Statutes, the Court will “exercise reasonable control over the mode and order of the interrogation of witnesses and the presentation of evidence” due to the limited nature of the proceedings.

2.4 Detention Status. Pursuant to Florida Rule of Juvenile Procedure 8.010(g)(2), the Court will receive all relevant and material evidence helpful in considering the appropriateness of detention under sections 985.24 and 985.255, Florida Statutes. This will include inquiry of a representative of the Lake County School Board where applicable, if the Lake County School Board is willing.

Any party wishing to provide additional information regarding the detention status of a child beyond the affidavit of probable cause and Department of Juvenile Justice screening packet, must notify the Court upon inquiry regarding detention status prior to pronouncement of a ruling.

3.0 Arraignment Hearings

3.1 General Provisions. Arraignment hearings for children issued a summons or subject to Administrative Order L-2024-18, shall be scheduled in accordance with the Arraignment Memorandum issued by the Court. This memorandum is sent to various law enforcement agencies and posted on the Court’s webpage under the Fifth Judicial Circuit website. Children requiring a first appearance will be scheduled for an initial arraignment hearing at the time of the first appearance. The initially scheduled arraignment is subject to modification based on the following provisions of this order.

Arraignment cases will be addressed in the following order. First, cases involving a child in secure detention. Second, a child appearing for a first appearances. Third, a child subject to section 3.2 with cases receiving diversionary offers to resolve first, so the child can meet with the appropriate individuals outside the courtroom. Lastly, those children subject to section 3.4.

3.2 Children Not under Detention Care (Self-Represented). Self-represented children shall be seated based on the offer of resolution from the State; thus, the State shall be present at the noticed time for arraignment to identify for the courtroom deputy and deputy clerk those children receiving diversionary offers. If the State had prepared

paperwork to hand the child, this would be a preferred time to provide it to allow him or her to review it prior to the start of arraignments.

At the time each child arrives at the noticed time for the start of arraignment, the child will check in with the courtroom deputy and the deputy clerk prior to being seated. A child receiving a diversionary offer will be seated on the left side of the Courtroom from the perspective of the judge's bench. A child receiving a non-diversionary or no offer of resolution will be seated on the right side of the Courtroom from the perspective of the judge's bench. If a child accepts diversion prior to the judge starting arraignments, section 1.6 of this order shall control.

The judge will take the bench thirty (30) minutes following the noticed arraignment time. Any child after this time will be deemed late, and the child will be addressed after those arriving on time. Upon taking the bench, the judge will read a general colloquy to those present advising the children of their rights and the purpose of the proceedings. Immediately thereafter, the judge will call the names and case numbers of those children having received diversion offers with the request to stand upon hearing his or her name. The judge will then provide a general explanation of diversion. The children will then be provided an opportunity to step outside the courtroom to discuss the diversion offers with probation. Those children choosing to accept diversion will be immediately excused upon execution of an agreement and the Certification of Duty to Update. The clerk will then process the case consistent with diversions received outside of court hearings.

At this time, the judge will address any child held in secure detention who is represented by the Office of the Public Defender. This will then be followed by children represented by private counsel and self-represented.

The judge will then arraign those children who have declined the offer of diversion or have not received an offer of diversion. After the arraignment, the child will be required to complete an Agreement to Appear and contact the assistant to the Office of the Public Defender to set up an appointment. Upon completion of these steps, the child will be free to leave.

3.3 Children Not under Detention Care (Private Counsel). Upon a private attorney's Notice of Appearance and Waiver of Arraignment, the arraignment for the child will be cancelled. See Fla. R. Juv. P. 8.070(b); see also S.M. v. State, 138 So. 3d 1156, 1160 (Fla. 4th DCA 2014) (reversing the waiver of the child's appearance because the "waiver must be personal, not one by the juvenile's counsel) (citing M.A. v. State, 110 So. 3d 493, 497 (Fla. 4th DCA 2013)). Upon the cancellation, the child will be scheduled based on the following.

If a petition has been filed, the case(s) will automatically be scheduled for a plea negotiation conference and sentencing docket in the next calendar month. This will allow the parties an opportunity to exchange discovery and an offer, so a meaningful discussion can occur at the plea negotiation conference as to the status of the case.

If the State has not filed a petition, the case will automatically be scheduled for the next arraignment date. This will continue until a petition is filed or the case is otherwise closed.

If a child desires resolution of the case at the initially scheduled arraignment, Counsel shall file a notice of hearing with a courtesy copy to the Court and the State. Only agreed resolutions will be accepted at the time of arraignment. However, if no agreement has been reached, the Court is willing to qualify a plea with a deferred disposition hearing.

3.4 Children Not under Detention Care (Office of the Public Defender). If the Office of the Public Defender has been appointed to represent a child, the Child's appearance is waived at the discretion of the Child and Counsel. See Fla. R. Juv. P. 8.070, 8.100; see also S.M., 138 So. 3d at 1160 (citing M.A., 110 So. 3d at 497). The case shall remain on the arraignment docket, and at the time of the arraignment, the Court will receive the waiver or arraign the child.

A child appointed counsel with the Office of the Public Defender will not be seated until all children subject to section 3.2 have been arraigned. Thereafter, the children subject to this provision will be loaded into the courtroom for arraignment.

3.5 Children under Supervised Release Detention Care (Private and Office of the Public Defender). Upon the filing of a Notice of Appearance and Waiver of Arraignment, the child's formal arraignment shall be waived. When a child has a private attorney, the case shall then proceed according to section 3.3. When the Office of the Public Defender has been appointed to represent the child, the case shall remain set for arraignment as provided in section 3.4 to allow the Court to status the case under the Clerk's existing arraignment event.

A child who is not represented by counsel shall be scheduled for an arraignment within forty-eight (48) hours of the State filing a petition. Fla. R. Juv. P. 8.015(a). Immediately following the filing of the Petition, the State shall contact the Court for coordination of the arraignment hearing of the child. The Department of Juvenile Justice will then notify the child of the arraignment. Fla. R. Juv. P. 8.015(b)(3).

3.6 Children in Secure Detention under Detention Care (Private and Office of the Public Defender). Upon the filing of a Notice of Appearance and Waiver of Arraignment, the child's formal arraignment shall be waived. However, the waiver will not cancel the arraignment hearing event. The child and counsel shall still appear to discuss the status of the case.

A child who is not represented by counsel shall be scheduled for an arraignment within forty-eight (48) hours of the State filing a petition. Fla. R. Juv. P. 8.015(a). Immediately following the filing of the Petition, the State shall contact the Court for coordination of the arraignment hearing of the child. The Department of Juvenile Justice will then notify the child of the arraignment. Fla. R. Juv. P. 8.015(b)(3).

4.0 Plea Negotiation Conference and Sentencing Docket(s)

4.1 Plea Negotiation Conference. The purpose of the plea negotiation conference is to confirm the status of the case. The Court will inquire as to the exchange of discovery and the exchange of an offer, if any. The purpose of this proceeding is not for the Court to involve itself in the negotiations of the parties. Counsel appearing at this conference must be prepared to discuss outstanding discovery, if any. Unless a child is in secure

detention, the Child's appearance is waived at the discretion of the child and Counsel. See Fla. R. Juv. P. 8.070, 8.100; see also S.M., 138 So. 3d at 1160 (citing M.A., 110 So. 3d at 497). After evaluation of the status of the case, the matter will be scheduled for either a pretrial conference and adjudicatory hearing or the Court's next plea negotiation conference and sentencing docket.

A child in secure detention will be addressed first. Cases will then be called in the following order (1) a private attorney having a time certain, (2) private attorneys based on first-come-first-served order of appearance, (3) Public Defender cases involving the use of an interpreter, (4) Public Defender cases resulting in a child entering the custody of the Department of Juvenile Justice, (5) Public Defender cases entering a plea, and (6) all remaining cases in order of arrival.

A child who desires to accept an offer of resolution may do so at the scheduled plea negotiation conference without further notice.

4.2 Sentencing. The purpose of this proceeding is to allow a child to enter a plea resolving the case. A child is required to be present at this hearing unless the child and Counsel have waived their appearance. A notice of hearing is not required for disposition at this hearing. Those cases where an appearance is waived shall be continued to the next court date based on the discussions from the plea negotiation conference.

A child in secure detention will be addressed first. Cases will then be called in the following order (1) a private attorney having a time certain, (2) private attorneys based on first-come-first-served order of appearance, (3) Public Defender cases involving the use of an interpreter, (4) Public Defender cases resulting in a child entering the custody of the Department of Juvenile Justice, (5) Public Defender cases entering a plea, and (6) all remaining cases in order of arrival.

5.0 Pretrial Conference and Adjudicatory Hearing

5.1 Violation(s) of Probation. It is the Court's intention to hear an alleged violation of probation involving a new law violation at the same time as the new law violation.

5.2 Adjudicatory Hearings. The judge has a one-week trial term blocked for juvenile delinquency and juvenile dependency proceedings each month. This term includes both cases involving allegations of new criminal violations and violation of probation. On the morning of the first day of the trial term, the Court will perform a docket sounding to confirm the readiness of the parties for the adjudicatory hearing.

After determining which cases remain ready for an adjudicatory hearing, the parties will receive a date and time for the trial beginning the afternoon of the first day of the trial term. Trial priority is determined by the Court after reviewing several factors.

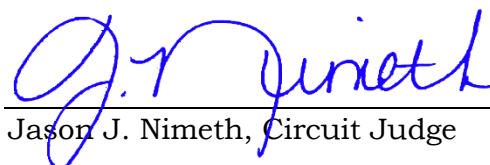
At the completion of the trial, a disposition hearing will be scheduled, if appropriate.

5.3 Pretrial Conference. A pretrial conference will be held the week prior to the adjudicatory hearing. At this hearing, the Court will address any expected issues for the adjudicatory hearing, to include, but not be limited to, duration, special

accommodations, anticipated evidentiary considerations, and confirmation of the current offer for resolution of the matter. This hearing is a mandatory appearance for a child. Due to the nature of the discussions, the child must be present to engage in this critical stage of the proceeding.

A child in secure detention will be addressed first. Cases will then be called in the following order (1) a private attorney having a time certain, (2) private attorneys based on first-come-first-served order of appearance, (3) Public Defender cases involving the use of an interpreter, (4) Public Defender cases resulting in a child entering the custody of the Department of Juvenile Justice, (5) Public Defender cases entering a plea, and (6) all remaining cases in order of arrival.

DONE AND ORDERED in chambers at Tavares, Lake County, Florida, this 24th day of March, 2025.



Jason J. Nimeth, Circuit Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been provided to the following individuals this 24th day of March, 2025.

Lake County Clerk of the Circuit Court
550 W. Main Street
Tavares, Florida 32778
amonty@lakecountyclerk.org

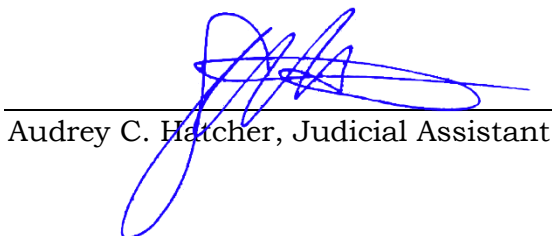
Office of the State Attorney
550 W. Main Street
Tavares, Florida 32778
Glozano@sao5.org

Office of the Public Defender
123 N. Sinclair Avenue
Tavares, Florida 32778
acurtis@pdo5.org

Department of Juvenile Justice
4646 That Street
Leesburg, Florida 347487
Randy.Reynolds@fldjj.gov

Court Administration, Fifth Circuit
550 W. Main Street
Tavares, Florida 32778
rrobes@circuit5.org
(Posting to the Judge's Website)

Lake County Bar Association
PO Box 1084
Tavares, Florida 32778
info@lakecountybar.org



Audrey C. Hatcher, Judicial Assistant

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR LAKE COUNTY, FLORIDA

IN THE INTEREST OF

CASE NO.: 2024-DR-000709

_____,
A child.
_____ /

CERTIFICATION OF DUTY TO UPDATE

I HEREBY CERTIFY that I understand proceedings have been initiated against the above-styled child pursuant to Chapter 985, Florida Statutes. Thus, under Florida law, the Florida Rules of Juvenile Procedure; and the Florida Rules of General Practice and Judicial Administration, the above-styled child is subject to the jurisdiction of the Court until this matter has resolved through DISMISSAL or ORDER OF THE COURT.

I HEREBY FURTHER CERTIFY that I understand that while this case is open and pending, I have a duty to remain informed of its status and update the Clerk of the Court; my assigned Department of Juvenile Justice Probation Officer; and my attorney, if applicable, of any changes to my contact information. I understand that failure on my part to update this information may result in a missed court date that would result in the issuance of an Order to Take Into Custody and said order may result in the taking of the above-styled child into the custody of law enforcement throughout the United States of America.

Signature of DJJ Probation Officer
Printed Name:_____
Date:_____

Signature of Child
Date:_____

Signature of Counsel, if applicable

Name:_____
Signature of Parent or Guardian
Date:_____

ADDENDUM "A"

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR LAKE COUNTY, FLORIDA

IN THE INTEREST OF

CASE NO.: _____

A child.
_____ /

AGREEMENT TO APPEAR AT NEXT COURT HEARING

THE UNDERSIGNED CHILD appeared for an arraignment in the above-styled proceeding. I hereby agree to appear in the above styled cause which will be called up for the following hearing:

- ☐ Plea Negotiation Conference on _____ at _____ A.M.
- ☐ Pretrial Conference on _____ at _____ A.M.
- ☐ Continued arraignment on _____ at _____ A.M.

All children represented by the Office of the Public Defender should meet with their attorney prior to the next court date listed above.

YOU ARE HEREBY WARNED that this hearing requires your appearance at the Lake County Judicial Center, Courtroom 1A, unless expressly excused by your attorney. Please govern yourself accordingly. If you fail to appear, a warrant for your detention will be issued without further notice.

I HEREBY CERTIFY that I have received the above listed dates.

Signature of Child

Signature of Parent or Guardian

Address

City, State, and Zip Code

Phone Number

E-Mail Address

ADDENDUM "B"