

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

**ADMINISTRATIVE ORDER S-2017-052
(Supersedes Administrative Order S-2017-005)**

MENTAL HEALTH & COMMUNICABLE DISEASES CASES

It is necessary to update the emergency matters provision dealing with mental health and communicable diseases cases. 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 Judicial Administration 2.215(b)(2), it is ORDERED:

1. Filing of Cases

A. Probate, Guardianship, Mental Health & Trust Division "A"

All petitions filed in accordance with Chapter 384 (the Control of Sexually Transmissible Disease Act); Chapter 392 (the Tuberculosis Control Act); Part I of Chapter 394 (the Florida Mental Health Act or the Baker Act); or Chapter 415 (the Adult Protective Services Act) of the Florida Statutes will be filed and disposed of in Probate, Guardianship, Mental Health & Trust Division "A."

B. Mental Health Court Division "M"

All petitions filed in accordance with Chapter 393 (the Developmental Disabilities Prevention and Community Services Act), Florida Statutes, and all petitions seeking to involuntarily admit a criminal defendant to residential services after criminal charges have been dismissed under section 916.303(2), Florida Statutes, will be filed and disposed of in Mental Health Court Division "M."

C. Drug Court Division "Z"

All petitions filed in accordance with Chapter 397, Florida Statutes (the Hal S. Marchman Alcohol and Other Drug Services Act) will be filed and disposed of in Drug Court Division "Z" (Marchman Act Division).

2. Appointment of Counsel

A. Initial Appointment of Criminal Conflict and Civil Regional Counsel

For petitions filed in accordance with Chapter 384 (Sexually Transmissible Disease), 392 (Tuberculosis), 397 (Marchman Act) and 415 (Adult Protective Services), if the person subject to a petition is not represented by counsel and such person requests counsel or the court determines counsel is necessary, the Criminal

Conflict and Civil Regional Counsel will be appointed. If the Criminal Conflict and Civil Regional Counsel has a conflict of interest, then the court will appoint counsel from the appropriate registry created by chief judge under section 27.40, Florida Statutes.

B. Initial Appointment of Public Defender

For petitions filed in accordance with section 393.11 (Developmental Disabilities – Involuntary Admission to Residential Services) and Part I of Chapter 394 (Baker Act), Florida Statutes, unless the person subject to a petition is otherwise represented by counsel, the Public Defender will be appointed to the person. If the Public Defender has a conflict of interest, then the court will appoint the Office of Criminal Conflict and Civil Regional Counsel. If the Office of Criminal Conflict and Civil Regional Counsel has a conflict of interest, then the court will appoint counsel from the appropriate registry created by chief judge under section 27.40, Florida Statutes.

C. Initial Appointment of Registry Counsel

For petitions filed in accordance with sections 393.12 (Developmental Disabilities – Appointment of Guardian Advocate), and 393.13(4)(c)7 (Developmental Disabilities – Appropriateness of Surgery), Florida Statutes, unless the person subject to a petition is otherwise represented by counsel, the court will appoint counsel from the appropriate registry created by chief judge under section 27.40, Florida Statutes.

3. Reassignment of Case upon Judge’s Disqualification

If the judge assigned to Drug Court Division “Z” (Marchman Act Division) enters an order of disqualification, the clerk will reassign the case to Probate, Guardianship, Mental Health & Trust Division “A.” If the judge assigned to Mental Health Court Division “M” enters an order of disqualification, the clerk will reassign the case to Probate, Guardianship, Mental Health & Trust Division “A.” If the judge assigned to the Probate, Guardianship, Mental Health & Trust Division “A” enters an order of disqualification, the clerk will reassign the case in an equitable fashion to one of the Circuit Civil Divisions, excluding Divisions “L” (Business Court Division), “T” (Jimmy Ryce Act Division), “Y” (Tobacco Litigation Division), “Z” (Asbestos Litigation Division) and Civil Trial Division 1.

4. Emergency Matters

All judges assigned to Probate, Guardianship, Mental Health & Trust Division “A,” Mental Health Court Division “M,” and Drug Court Division “Z”

will be available to handle emergency matters arising in their respective divisions during normal business hours unless the judges have made arrangements with another judge or judges to substitute during any absence. All petitions filed under the Baker Act or the Marchman Act are considered emergency matters. If the judge assigned to Drug Court Division “Z” (Marchman Act Division) is for any reason absent from the courthouse, any emergency matter in a Marchman Act case will be submitted to the judge assigned to Probate, Guardianship, Mental Health & Trust Division “A.” If the judge assigned to Mental Health Court Division “M” is for any reason absent from the courthouse, any emergency application in a chapter 393 case will be submitted to the judge assigned to Probate, Guardianship, Mental Health & Trust Division “A.” If the judge assigned to Probate, Guardianship, Mental Health & Trust Division “A” is for any reason absent from the courthouse, any emergency matter in a case will be submitted to the chief judge or the chief judge’s designee. If the chief judge and designee are absent from the courthouse, the emergency application will be made to the duty judge ([See www.fljud13.org](http://www.fljud13.org) for duty judge assignment).

5. Professional Conduct and Courtroom Decorum

Counsel will adhere to The Florida Bar’s Guidelines for Professional Conduct (<https://www.floridabar.org>), The Florida Bar’s Professionalism Expectations (<https://www.floridabar.org>), and the Hillsborough County Bar Association’s Standards of Professionalism (<http://www.hillsbar.com>). 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.

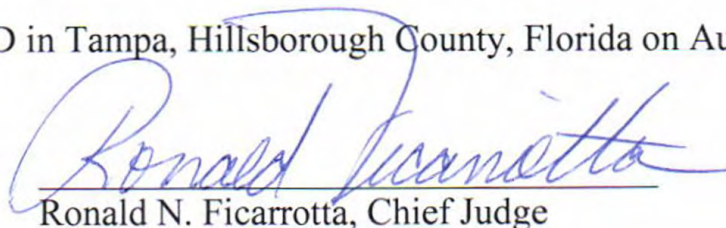
6. Previous Administrative Order Superseded

This administrative order supersedes Administrative Order S-2017-005 (*Mental Health & Communicable Diseases Procedures*).

7. Effective Date

This administrative order is effective September 1, 2017.

ENTERED in Tampa, Hillsborough County, Florida on August 22,
2017.


Ronald N. Ficarrotta, Chief Judge

Original to: Pat Frank, Clerk of the Circuit Court

Copies to: All Probate, Guardianship, Mental Health & Trust Division Judges
The Honorable Jack Espinosa, Jr., Drug Court Division
All Circuit Civil Division Judges
All Circuit Criminal Division Judges
Andrew H. Warren, State Attorney
Julianne Holt, Public Defender
Ita M. Neymotin, Regional 2 Counsel
Gerald D. Siebens, Agency for Persons with Disabilities
David Gee, Sheriff
Brian Dugan, Interim Chief of Police, Tampa
Edward Duncan, Chief of Police, Plant City
Kenneth R. Albano, Chief of Police, Temple Terrace
Keith Buss, Director, Clerk's Office, Probate, Guardianship, Mental
Health & Trust Division