

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

**ADMINISTRATIVE ORDER S-2017-005  
(Supersedes Administrative Order S-2016-037)**

**MENTAL HEALTH & COMMUNICABLE DISEASES PROCEDURES**

In light of the establishment of this circuit's Mental Health Court subdivision within the Probate, Guardianship, Mental Health & Trust Division, it is necessary to update the assignment of petitions filed under chapter 393, 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 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. Transfer of Cases**

All Chapter 393 cases pending in Probate, Guardianship, Mental Health & Trust Division "A" will be transferred to Mental Health Court Division "M." Any Chapter 393 case may be scheduled for hearing in Mental Health Court Division "M" before, on, and after the effective date of this administrative order.

### **3. 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.

### **4. 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 case will be reassigned by the clerk to Probate, Guardianship, Mental Health & Trust Division "A." If the judge assigned to Mental Health Court Division "M" enters an order of disqualification, the case will be reassigned by the clerk 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 case will be reassigned in an equitable fashion by the clerk to one of the Circuit Civil Divisions, excluding

Divisions "L" (Business Court Division), "T" (Jimmy Ryce Act Division), "Y" (Tobacco Litigation Division) and "Z" (Asbestos Litigation Division).

### **5. Emergency Applications**

Emergency application for extraordinary relief in a case will be made to the judge of the division to which the case is assigned for disposition. If the judge assigned to Drug Court Division "Z" (Marchman Act Division) is for any reason absent from the courthouse, any emergency application in a Marchman Act case will be made 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 made 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 application in a case will be made 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*).

### **6. Professional Conduct and Courtroom Decorum**

Counsel will adhere to The Florida Bar's Guidelines for Professional Conduct (<http://www.floridabar.org>), The Florida Bar's Professionalism Expectations (<http://www.floridabar.org>), and the Hillsborough County Bar Association's Standards of Professional Courtesy (<http://www.hillsbar.com>). Each judge may announce and enforce additional requirements, or may excuse compliance with any provision(s) of the Guidelines or Standards as that judge deems appropriate.

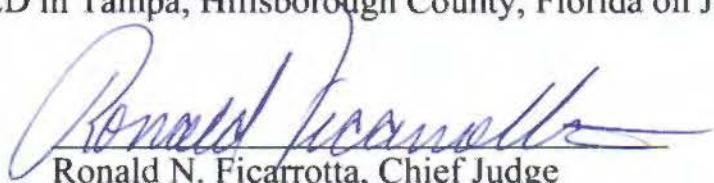
### **7. Previous Administrative Order Superseded**

This administrative order supersedes Administrative Order S-2016-037 (*Mental Health & Communicable Diseases Procedures*).

### **8. Effective Date**

This administrative order is effective February 1, 2017.

ENTERED in Tampa, Hillsborough County, Florida on January 30, 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  
Eric Ward, 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