

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

**ADMINISTRATIVE ORDER S-2021-027
(Supersedes Administrative Order S-2015-025)**

BAKER ACT HEARINGS

A memorandum of understanding has been executed between the local Baker Act receiving facilities, the SunCoast Region of the Department of Children and Families, the Administrative Office of the Courts for the Thirteenth Judicial Circuit, the Office of the Public Defender of the Thirteenth Judicial Circuit, and the Office of the State Attorney of the Thirteenth Judicial Circuit regarding the limitation of Baker Act hearings to three facilities. The memorandum of understanding recognizes the responsibilities of all affected entities to ensure the efficient administration of justice while protecting the rights of the patients as well as the safety of all parties.

Notwithstanding the memorandum of understanding, if circumstances necessitate relocating Baker Act hearings from a host facility to the courthouse, the administrative judge of the Probate, Guardianship, Mental Health & Trust Division is delegated the discretion to schedule hearings at the courthouse in addition to host facilities.

Because of a change in corporate identity of one of the local Baker Act host facilities, it is necessary to update the provisions of this administrative order.

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 therefore ORDERED:

1. Definitions

For purposes of this administrative order, the following terms have the following meanings:

A. **“Receiving facility”** means any public or private facility designated by the Department of Children and Families to receive and hold involuntary patients under emergency conditions or for psychiatric evaluation and to provide short-term treatment. The term does not include a county jail.

B. **“Host facility”** means a receiving facility which has been classified to serve as a facility at which Baker Act hearings will be conducted.

C. **“Transporting facility”** means a receiving facility which has not been classified to serve as a facility at which Baker Act hearings will be conducted; therefore, the facility is required to provide transportation to a host facility.

2. Host Facility

A. Criteria

The classification of a receiving facility as a host facility or as a transporting facility is subject to change based on the following criteria: (a) number of petitions for involuntary placement filed with the Clerk of the Circuit Court by receiving facilities; (b) number of hearings conducted; (c) number of physicians at the receiving facilities; and (d) number of petitions filed which include minor children at receiving facilities.

B. Change in Classification

The Administrative Office of the Courts will provide a minimum of 90 days’ notice of any change of status of a receiving facility with respect to a facility’s classification as a host facility or a transporting facility.

C. Locations

The three receiving facility locations initially classified as host facilities for the convening of Baker Act hearings are: (i) Mental Health Care, Inc.; (ii) BayCare Health System at St. Joseph’s Hospital; and (iii) Tampa Community Hospital, a Campus of Memorial Hospital of Tampa. All transporting facilities will transport their patients to one of the classified host facilities for

hearings.

D. Adequacy of Hearing Room

Each host facility is required to hold hearings in a room which is of adequate size and decorum, with sufficient dignity to elicit the customary respect afforded to court proceedings. During court proceedings, the United States flag and the State of Florida flag will be displayed, as well as the seal of the Thirteenth Judicial Circuit and a nameplate of the presiding General Magistrate.

3. Newly Designated Receiving Facility to be Classified as Transporting Facility

If a hospital is newly designated as a Baker Act receiving facility within the circuit, the newly designated receiving facility will be classified as a transporting facility.

4. Hearing Schedule

The schedule for Baker Act hearings at host facilities will be established by the administrative judge of the Probate, Guardianship, Mental Health & Trust Division for all of the Baker Act receiving facilities. The administrative judge of the Probate, Guardianship, Mental Health & Trust Division may schedule Baker Act hearings at the courthouse if circumstances necessitate such action and adequate notice is provided to the parties.

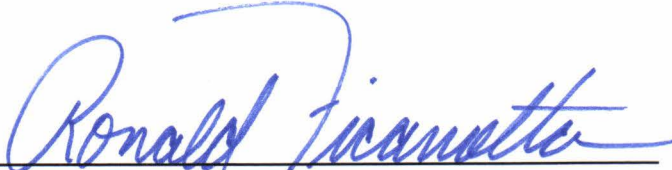
5. Previous Administrative Order Superseded

This administrative order supersedes Administrative Order S-2015-025 (*Baker Act Hearings*).

6. Effective Date

This administrative order is effective immediately.

ENTERED on May 10, 2021.



Ronald N. Ficarrota, Chief Judge

Original: Cindy Stuart, Clerk of the Circuit Court
Copy: All Probate, Guardianship, Mental Health & Trust
Division Judges
Andrew H. Warren, State Attorney
Julianne Holt, Public Defender
Baker Act Receiving Facilities
April May, Substance Abuse & Mental Health Director,
SunCoast Region, Department of Children and
Families