

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

**ADMINISTRATIVE ORDER S-2021-074
(Supersedes Administrative Order S-2017-052)**

**MENTAL HEALTH & COMMUNICABLE
DISEASES PROCEEDINGS**

In light of the establishment of Probate, Guardianship, Mental Health and Trust Division “B,” it is necessary for the proper and efficient administration of justice to update the assignment provisions governing mental health and communicable diseases proceedings. 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 General Practice and Judicial Administration 2.215(b)(2), it is ORDERED:

1. Assignment of Cases

A. Probate, Guardianship, Mental Health & Trust Divisions “A” and “B”

The Clerk of the Circuit Court (clerk) will assign 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 to Probate, Guardianship, Mental Health & Trust Division “A” and “B” based on a 5:3 ratio.

B. Mental Health Court Division “M”¹

The clerk will assign 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, to Mental Health Court Division “M.”

C. Drug Court Division “Z”

The clerk will assign all petitions filed in accordance

with Chapter 397, Florida Statutes (the Hal S. Marchman Alcohol and Other Drug Services Act) to 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 in a random and equitable fashion to Probate, Guardianship, Mental Health & Trust Division "A" or "B." If the judge assigned to Mental Health Court Division "M" enters an order of disqualification, the clerk will reassign the case in a random and equitable fashion to Probate, Guardianship, Mental Health & Trust Division "A" or "B." If either of the judges assigned to the Probate, Guardianship, Mental Health & Trust Division "A" or "B" enters an order of disqualification, the clerk will reassign the case to the other division. If, after such reassignment, the successor judge in the Probate, Guardianship, Mental Health & Trust Division enters an order of disqualification, the clerk will reassign the case in an equitable fashion to one of the standard Circuit Civil Divisions.

4. Emergency Matters

A. General

All judges assigned to Probate, Guardianship, Mental Health & Trust Division "A," Probate, Guardianship, Mental Health & Trust Division "B," Mental Health Court Division "M," and Drug Court Division "Z" should 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. The term "absent from the courthouse" as used in the subsections below means being physically located outside of the respective court facility. The term does not include being in a hearing, jury trial, or non-jury trial.

B. Marchman Act Cases

All petitions filed under the Marchman Act are considered emergency matters. If the judge assigned to Drug Court Division "Z" (Marchman Act Division) is 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 Probate, Guardianship, Mental Health & Trust Division “A” is absent from the courthouse, the clerk will follow the procedures in section 4.D. below.

C. Chapter 393 Case

If the judge assigned to Mental Health Court Division “M” is 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 absent from the courthouse, the clerk will follow the procedures in section 4.D. below.

D. Control of Sexually Transmissible Disease Act, Tuberculosis Control Act, Baker Act, and Adult Protective Services Act Cases

All petitions filed under the Control of Sexually Transmissible Disease Act, Tuberculosis Control Act, Baker Act, and Adult Protective Services Act are considered emergency matters. If either of the judges assigned to Probate, Guardianship, Mental Health & Trust Division “A” or “B” is absent from the courthouse, any matter in such an emergency case will be submitted to the other judge. If the judges presiding in Probate, Guardianship, Mental Health and Trust Division “A” and “B” are both absent from the courthouse, then emergency application in such 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 for duty judge assignment).

5. Professional Conduct and Courtroom Decorum

Counsel will adhere to The Florida Bar’s Guidelines for Professional Conduct,² The Florida Bar’s Professionalism Expectations,³ and the Hillsborough County Bar Association’s Standards of Professionalism.⁴ 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.

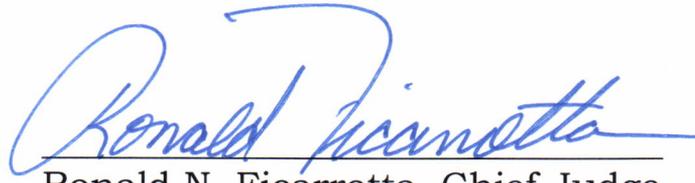
6. Previous Administrative Order Superseded

This administrative order supersedes Administrative Order S-2017-052 (*Mental Health & Communicable Diseases Procedures*).

7. Effective Date

This administrative order is effective January 1, 2022.

ENTERED on December 10, 2021.



Ronald N. Ficarrotta, Chief Judge

Original: Cindy Stuart, Clerk of the Circuit Court
Copy: All Probate, Guardianship, Mental Health & Trust
Division Judges
The Honorable Michael J. Scionti, Drug Court Division
“Z”
All Circuit Civil Division Judges
All Circuit Criminal Division Judges
Andrew H. Warren, State Attorney
Julianne Holt, Public Defender
Ita M. Neymotin, Office of Criminal Conflict and Civil
Regional Counsel, Region 2
Gerald D. Siebens, Agency for Persons with Disabilities
Chad Chronister, Sheriff
Ruben Delgado, Interim Chief of Police, Tampa
James M. Bradford, Chief of Police, Plant City
Kenneth R. Albano, Chief of Police, Temple Terrace
Hillsborough County Bar Association

¹ Administrative Order S-2017-004 established Mental Health Court Division “M” as a subdivision of the Probate, Guardianship, Mental Health and Trust Division.

² <https://www.floridabar.org/prof/regulating-professionalism/presources002/>

³ <https://www.floridabar.org/wp-content/uploads/2017/04/professionalism-expectations.pdf>

⁴ <https://www.hillsbar.com/page/Professionalism>