

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT, IN
AND FOR BROWARD COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. II-99-M-1

IN RE: ESTABLISHMENT OF
PROCEDURES TO IMPLEMENT
THE JIMMY RYCE INVOLUNTARY
CIVIL COMMITMENT FOR SEXUALLY
VIOLENT PREDATORS' TREATMENT
AND CARE ACT

_____/

WHEREAS, the Florida Legislature in Chapter 98-64, Laws of Florida, enacted the Jimmy Ryce Involuntary Civil Commitment For Sexually Violent Predators' Treatment And Care Act, (hereinafter referred to as the Jimmy Ryce Act); and

WHEREAS, the Jimmy Ryce Act establishes procedures for litigating and reviewing the involuntary civil commitment of individuals deemed to be sexually violent predators, and these procedures are distinct from other forms of civil litigation which exist in the State of Florida; and

WHEREAS, it is necessary to establish procedures to facilitate implementation of the Jimmy Ryce Act;

THEREFORE, in accordance with the authority vested in the Chief Judge by Rule 2.050, Florida Rules of Judicial Administration, it is **ORDERED AND ADJUDGED**:

1. The Litigation of proceedings under the Jimmy Ryce Act shall be in the General Civil Division of the Circuit Court of the 17th Judicial Circuit in and for Broward County, Florida. These proceedings shall be subject to the applicable Florida Rules of Civil Procedure.
2. Pursuant to F.S.916.34 and F.S.916.35, initiation of a civil commitment proceeding under the Jimmy Ryce Act occurs when the State Attorney files a petition with the Circuit Court alleging that a

person is a sexually violent predator. The State Attorney shall file the petition with the Clerk of the Circuit Court of the Seventeenth Judicial Circuit of Florida, and the Clerk shall assign each petition in rotation to the judges sitting in the General Civil Division of the Circuit Court for resolution. The State Attorney shall also send a copy of the petition to the respondent and to the Office of the Public Defender of the 17th Judicial Circuit. The Clerk's Office shall expeditiously assign a case number to the petition and shall hand-deliver its file with the petition to the assigned Circuit Court Judge within 24 hours. Once the file containing the petition is received by the assigned Circuit Court Judge, he/she shall have 96 hours to review the petition and make a determination pursuant to F.S.916.35(1) as to whether probable cause exists to believe that the respondent is a sexually violent predator.

3. If the Court determines that the petition does not present probable cause to believe that the respondent is a sexually violent predator, it shall issue an order finding no probable cause. If the Court finds probable cause to believe that the respondent is a sexually violent predator, it shall issue an order directing the Department of Children and Families transport the respondent from the facility in which he/she is detained to the Broward County Jail, if the respondent is still under sentence, or, if the respondent has completed his/her sentence, to an appropriate secure facility in Broward County established by the Department of Children and Families in accordance with Florida Statute 916.35(1) (Supp. 1998).
4. The Court shall immediately provide a copy of its order concerning the finding of probable cause, and the transport order if one is executed, to the Sex Crimes/Child Abuse Unit of the Office of the State Attorney of the Seventeenth Judicial Circuit of Florida and to the Office of the Public Defender.
5. If the Court does find probable cause, it shall forthwith docket a status conference to be held immediately upon the arrival of the respondent at the appropriate secure facility pursuant to the aforesaid transport order. Notice of the date and time of the status conference shall be timely supplied to the State Attorney's Office and to the Office of the Public Defender, or to the respondent's retained counsel if the Court receives notice from private counsel that he/she is entering his/her appearance on behalf of the respondent.

Once the respondent is received at the appropriate secure facility, the supervisor of the facility shall immediately notify the Court of the respondent's presence in the facility.

6. The Court shall forthwith conduct a status conference upon the arrival of the respondent at the appropriate secure facility to make a determination as to whether the respondent is indigent, and if so, shall appoint the Office of the Public Defender to represent him/her pursuant to F.S.916.36(3). The determination of indigency shall be conducted pursuant to F.S.27.52. The Office of the Public Defender shall have an attorney present at status conference. If the respondent is not indigent, the Court shall make a determination as to who will represent him/her. If the respondent is indigent but a conflict exists as to the representation of the respondent by the Office of the Public Defender, the Court shall appoint an attorney to represent him/her pursuant to F.S.916.36(3). The Office of the Public Defender shall make diligent effort to determine if it has a conflict as to its representation of the respondent prior to status conference.
7. At the status conference, the Court shall set the case for trial pursuant to F.S.916.36 within 30 days of the finding of probable cause, unless either party requests an extension of the trial date upon a showing of good cause, or the Court in the interests of justice believes an extension is warranted pursuant to F.S.916.36(2).
8. If the Court determines that an adversarial probable cause hearing is required pursuant to F.S.916.35(2), it shall docket and hold the hearing as expeditiously as possible.
9. The Court Mental Health Liaison section of the Court Administration Office of the 17th Judicial Circuit of Florida will assemble a list of names and addresses of qualified psychiatrists, psychologists, or other mental health professionals who are available for appointment as experts to examine the respondent if he/she is indigent and requests the appointment of an expert, and the Court determines that an examination of the respondent by a qualified mental health professional is necessary pursuant to F.S.916.36(4).
The reasonable compensation for the professional's services, which shall be paid pursuant to the provisions of F.S.916.49, is that set forth in

Administrative Order No. III-93-D-6. The compensation shall be paid by the Office of the State Courts Administrator.

10. Pursuant to Rule 1.200 of the Florida Rules of Civil Procedure, the Court is urged to consider the use of case management conferences, pretrial conferences and pretrial orders prior to scheduled trial date to narrow the issues to be litigated, arrive at stipulations concerning the facts and issues, schedule and hear pretrial motions, and control the nature and pace of discovery.
11. The Court must give proceedings under the Jimmy Ryce act priority on its docket.
12. Court reporters for hearings and trials shall be provided by the Office of the State Attorney. Court reporting fees shall be paid by the Office of the State Courts Administrator.
13. If the respondent is found to be a sexually violent predator and is committed to the custody of the Department of Children and Family Services for control, care, and treatment, the committing Court shall expeditiously review his/her status upon receipt of the report mandated by F.S.916.38(1).
14. The Court shall expeditiously conduct a limited hearing upon receipt of the report concerning the committed respondent's mental condition pursuant to F.S.916.38(3). If the Court determines there is probable cause to believe that is is safe to release the respondent, it shall issue and order directing the Department of Children and Families to transport him/her from the facility in which he/she is hospitalized to the Broward County Jail or other appropriate secure facility. The Court shall conduct a status conference as outlined in paragraph 6 herein above.
15. The Court shall expeditiously set the matter for trial pursuant to F.S.916.38(4).
16. If the committing Court receives a petition from the respondent pursuant to Florida Statute 916.39(1).

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County,
Florida on this the 26th day of February, 1999.

/s/DALE ROSS
DALE ROSS, CHIEF JUDGE