

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

Order Number 2010-10-Crim  
2010-11-UFC

**SECOND AMENDED ADMINISTRATIVE ORDER ESTABLISHING  
PROCEDURE FOR APPOINTMENT OF  
CRIMINAL MENTAL HEALTH EVALUATORS**

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- (a) Chapters 916 and 985, Fla. Stat., sets forth the duties of the judicial branch with regard to evaluations of defendants.
- (b) §29.004, Fla. Stat., determines the state court system obligations to pay for an expert witness.
- (c) The Seventeenth Judicial Circuit (herein Circuit) enters into contracts with psychologists and psychiatrists to provide evaluations and reports as required by law.
- (d) In accordance with the authority vested in the Chief Judge by Florida Rule of Judicial Administration 2.215, it is ordered effective January 25, 2010, as follows:
  - (1) All psychiatrists and psychologists (herein expert) upon execution of a contract to provide services to the Circuit shall be assigned to one or more categories for appointments<sup>1</sup>. An expert's failure to comply with the contract requirements, including but not limited to time requirements and report formats, may result in termination of the contract and the experts removal from the registry.
  - (2) If a judge or general magistrate requires an expert for an evaluation and report which the state court system is obligated to pay he or she shall contact the Trial Court Administrator's Court Projects (herein Court Projects). The judge or general magistrate shall provide to Court Projects the name of the defendant, type of ordered evaluation, the case number, location of the individual, and next court date.
  - (3) Upon receipt of the required information Court Projects shall access an electronic rotational registry to select the names of three (3) experts for the ordered evaluation and the requesting judge or general magistrate shall appoint one of the experts from

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<sup>1</sup> The categories are as follows: autism, adult competency, criteria for hospitalization (incompetent), criteria for hospitalization (insane), domestic violence risk assessment, juvenile competency, neuropsychological evaluation, mental retardation, psychological assessments (residential placement, sentencing, penalty phase, competency to waive Miranda), and violence risk assessment. The categories may change from time to time based upon statutory changes or appropriations.

the names provided. Court Projects shall thereafter process the order of appointment and coordinate the receipt of all required reports.

- (4) If a judge or general magistrate requires a re-evaluation to determine if the defendant is now competent to proceed to trial, Court Projects shall access the electronic rotational registry to select the names of three (3) experts for presentation to the judge or general magistrate. A judge or general magistrate may choose one of the experts from the names provided, or instead may choose another expert listed on the registry, not in rotation, if that expert previously provided an opinion regarding the defendant's competency within the last twelve (12) months.

DONE AND ORDERED in chambers at Fort Lauderdale, Broward County, Florida on October 4, 2010.

s/Victor Tobin  
Victor Tobin, Chief Judge