

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

ADMINISTRATIVE ORDER NO. III-03-S-2

IN RE:  
ORDER CONCERNING  
MENTAL HEALTH COORDINATION  
OFFICE WITHIN THE CIRCUIT COURT  
CRIMINAL DIVISION

-----/

In accordance with the authority vested in the Chief Judge by Rule 2.050,  
Florida Rules of Judicial Administration, it is hereby stated that

WHEREAS, trial judges are required by law to appoint not less than two or  
more than three mental evaluations of persons charged with violations of the  
criminal laws or of probation or community control if counsel or the court has a  
reasonable ground to believe that the defendant is not competent to proceed due to  
mental illness, or if mental retardation or autism is suspected, the court shall appoint  
two experts, one of whom must be the developmental services department of the  
Department of Children and Families and may appoint a third expert upon the  
request of any party; and

WHEREAS the prosecution cannot proceed if the defendant is incompetent  
to proceed; and

WHEREAS the courts of this circuit order approximately 1850 evaluations to determine competency to proceed each year, and;

WHEREAS criminal defendants who raise as a defense their sanity at the time of the alleged crime or violation of probation or community control are entitled to the appointment of a confidential mental health expert and upon filing of a notice of intent to rely on insanity, the court must appoint no more than three or less than two mental health experts; and

WHEREAS orders, reports and other documents must be provided to the experts appointed to evaluate a defendant's competency or sanity; and

WHEREAS the trial courts must in turn be provided copies of the reports generated by court appointed experts; and

WHEREAS orders, reports and other documents must be provided to the Department of Children and Families regarding those defendants who are adjudged incompetent to proceed or are adjudged not guilty by reason of insanity and who are committed to the Department of Children and Families for either competency restoration or for treatment if adjudged not guilty by reason of insanity; and,

WHEREAS the Department of Children and Families is required by law to submit to the committing court reports regarding the competency and mental status of a committed defendant; and

WHEREAS the Treatment Provider is required by law to submit to the court reports and/or affidavits regarding compliance with the conditions of release and progress in treatment for a defendant placed on conditional release; and

WHEREAS the efficient distribution of orders, reports and other documents is critical to the administration of criminal cases, and

WHEREAS, the rapidly increasing number of cases involving mentally ill, mentally retarded, or autistic defendants has contributed to congesting and overburdening of the court dockets in the circuit court criminal division, as well as the jail; and

WHEREAS “Court Projects” has been in existence for many years acting as a liaison and coordinator for the circuit court without specific guidelines,

IT IS NOW THEREFORE

ORDERED that:

Effective Monday November 3, 2003, the MENTAL HEALTH COORDINATION OFFICE, shall assume the responsibilities of Court Projects and assist the criminal trial courts with the preparation of orders and distribution of orders, reports and documents regarding competency and sanity evaluations, act as liaison between the criminal courts and the Department of Children and Families and its Developmental Services Program, regarding those defendants who are evaluated for competency and/or sanity, who are committed for competency restoration, who

are committed for mental health treatment after being adjudicated not guilty by reason of insanity, and who are placed on conditional release in lieu of commitment.

DONE AND ORDERED in Chambers at Fort Lauderdale, BROWARD County, Florida on this the 23rd day of October, 2003.

/s/DALE ROSS  
DALE ROSS, CHIEF JUDGE