

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

Administrative Order No. 2021-1-PRC (Amendment 1)

ADMINISTRATIVE ORDER AS TO MARCHMAN ACT PROCEDURES

- (a) Pursuant to Article V, section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice.
- (b) Florida Rule of General Practice and Judicial Administration 2.215(b)(2) states that the chief judge is the “administrative officer of the courts within the circuit and shall, consistent with branch-wide policies, direct the formation and implementation of policies and priorities for the operation of all courts and officers within the circuit.”
- (c) Florida Rule of General Practice and Judicial Administration 2.215(b)(3) states the chief judge “shall, considering available resources, ensure the efficient and proper administration of all courts within [this] circuit.”
- (d) Chapter 397, Florida Statutes, commonly referred to as The Hal S. Marchman Alcohol and Other Drug Services Act (“Marchman Act”), authorizes judges to enter orders, ex parte or after notice and a hearing, authorizing the involuntary assessment and stabilization of individuals, and further requires the court to consider petitions for involuntary treatment services when timely filed.
- (e) The establishment of procedures and implementation of a uniform petition and uniform orders for Marchman Act proceedings is necessary to ensure the efficient and expeditious processing and resolution of such actions.
- (f) In accordance with the authority vested in the chief judge pursuant to Article V, section 2(d), section 43.26, Florida Statutes, and Florida Rule of General Practice and Judicial Administration 2.215, it is hereby **ORDERED**:

(A) Upon the filing of a petition for involuntary treatment services for a substance abuse impaired person, the Clerk of the Court shall forward the court records to the assigned division judge. Any self-represented party filing a petition for involuntary treatment services for a substance abuse impaired person shall utilize the standard petition attached hereto as Attachment “A”.

(B) Upon receipt of a petition for involuntary treatment services, the assigned division judge shall either:

(1) Issue an order and summons for the respondent to appear for a hearing to be held within ten (10) court working days from the date the petition is filed, unless a continuance is granted. The judge shall utilize the order attached hereto as Attachment “B”. The hearing may be referred to a general magistrate as provided by law. The judge shall also determine whether the respondent is represented by counsel and, if appropriate based on the contents of the petition, enter an order provisionally appointing the Office of Criminal Conflict and Civil Regional Counsel to represent the respondent until a determination of indigency is completed; or

(2) Enter an order denying the petition for involuntary treatment services if the judge determines the allegations do not reasonably meet the criteria for involuntary admission (or none of the provisions of section 397.68111(2)-(4), Florida Statutes have been met), or that the petition was not executed by the appropriate individual. In this case, the judge shall utilize the order attached hereto as Attachment “C”.

(C) If an order and summons is issued pursuant to (B)(1), the judge shall transmit the order and summons to the Clerk of the Court who shall furnish a copy of the petition, order and summons, and any other document related to the petition for involuntary services to the Sheriff of the county in which the respondent resides or can be found, who shall effect service upon the respondent as soon thereafter as possible on any day of the week and at any time of the day or night. The Clerk of Court shall also furnish to the Sheriff such information on the respondent’s physical description and location. If the petitioner is represented by counsel, the judge shall, in addition to transmitting the order to the Clerk for filing and docketing, transmit the order to counsel for the petitioner who may utilize a private certified process server in lieu of the Sheriff. The Sheriff, or counsel for petitioner, as appropriate, shall file with the court a return indicating service or non-service.

(D) Upon receipt of a petition for involuntary treatment services, the assigned division judge may also, consistent with the requirements of section 397.68141 and 397.6818, Florida Statutes, either:

- (1) Enter an ex parte order authorizing the involuntary assessment and stabilization of the respondent if it is determined the allegations are legally sufficient to warrant ex parte relief. In this case, the assigned judge shall utilize the order attached hereto as Attachment “D” and shall enter, if appropriate, an order appointing counsel; or
- (2) Enter an order denying a request for involuntary assessment and stabilization if the judge determines the allegations do not demonstrate that exigent and/or emergency circumstances exist and/or an assessment has already been completed in the previous 30 days. In this case, the judge shall utilize the order attached hereto as Attachment “E”.

(E) If an ex parte order granting the involuntary assessment and stabilization of a respondent is entered pursuant to (D)(1), the judge shall transmit the order to the Clerk of the Court who shall furnish a copy of the petition, ex parte order, and any other document related to the action to the Sheriff of the county in which the respondent resides or can be found, who shall effect service upon the respondent as soon thereafter as possible on any day of the week and at any time of the day or night. The Clerk of the Court shall also furnish to the Sheriff such information on the respondent’s physical description and location. The Sheriff shall file with the court a return indicating service or non-service, as appropriate.

(F) If an order denying ex parte relief is entered pursuant to (D)(2), the judge shall transmit the order to the Clerk of the Court who shall furnish a copy of the order denying ex parte relief to the Sheriff to be included with the documents to be served by the Sheriff pursuant to (C).

(G) If an ex parte order authorizing the involuntary assessment and stabilization of the respondent is entered, a licensed service provider shall conduct an assessment and stabilization of any individual involuntarily admitted pursuant to the Marchman Act within 72 hours of such person’s admission to such facility. If such provider is unable to conduct an assessment within 72 hours of the person’s admission, the provider may file a written request for an extension of time to complete the assessment. Such request for extension of time shall be furnished to all parties, and a courtesy copy delivered to the assigned division judge. Upon receipt of such filing, the assigned judge may, after hearing, grant additional time not to exceed the time

period within which the petition for treatment services has been scheduled for hearing. The licensed service provider shall file with the Clerk of the Court no later than the ordinary close of business on the day before the hearing on the petition for involuntary treatment services, the Respondent's clinical assessment, which shall satisfy the provisions of section 397.6758, Florida Statutes if it contains the Respondent's admission and discharge information.

The uniform petition and orders attached to this Administrative Order may be amended from time to time without further amendment of this Administrative Order.

This Administrative Order supersedes and vacates Administrative Order 2021-1-PRC.

DONE AND ORDERED in Chambers, Fort Lauderdale, Broward County, Florida, this 8th day of July, 2024.

/s/ JackTuter
Jack Tuter, Chief Judge

Attachment "A"

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

IN RE: _____,
Respondent.

CASE NO.: MH-C _____
DIVISION: _____

_____/

PETITION FOR INVOLUNTARY TREATMENT SERVICES
(§ 397.68141, Fla. Stat.)

I, _____ hereby state that I am the
Petitioner

_____ of the Respondent and have observed
relationship to Respondent

_____’s behavior and conduct and have reason
Respondent

to believe that said person is substance abuse impaired or has a co-occurring mental health disorder
and, because of such impairment or disorder, he/she has lost the power of self-control with respect
to substance use; and either:

☐ is in need of substance abuse services and, by reason of substance abuse impairment,
his or her judgment has been so impaired that he or she is incapable of appreciating his or
her need for such services and of making a rational decision in that regard; or

☐ without care or treatment, is likely to suffer from neglect or refuse to care for himself or
herself; that such neglect or refusal poses a real and present threat of substantial harm to
his or her well-being; and that it is not apparent that such harm may be avoided through
the help of willing family members or friends or the provision of other services, or there is
substantial likelihood that the person has inflicted, or threatened to or attempted to inflict,
or, unless admitted, is likely to inflict, physical harm on himself, herself, or another; or

☐ has refused to submit to voluntary treatment services.

My reasons for these beliefs are that I have observed the Respondent do the following
[attach additional pages, if necessary]:

The Respondent ☐ has ☐ has not undergone an assessment performed by a qualified professional within the past thirty (30) days. Indicate the findings and recommendations of the assessment (a copy of the assessment may be attached, if available) OR if no assessment has been done, indicate the lack of assessment or refusal of Respondent to be assessed:

_____.

[illegible]

If yes, enter the name and address of respondent's attorney, if known.

Provide the names of Respondent's doctors (if known): _____

I hereby petition the court for involuntary treatment and services for the Respondent. The names and addresses of Petitioner, Respondent's spouse or legal guardian if Respondent is an adult, or Respondent's parent or legal guardian/custodian if the Respondent is a minor are:

Petitioner: _____

Respondent's spouse/legal guardian: _____

Respondent's parent/legal guardian/custodian: _____

Name & Address of Respondent: _____

A recent photograph of Respondent should also be attached to assist the Sheriff in delivering the Respondent to a licensed service provider, if so ordered. Photograph attached? ☐ YES ☐ NO

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING PETITION, AND THE FACTS ALLEGED ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

PETITIONER

DATE

Copies to: Respondent
 Petitioner
 Respondent's attorney, spouse, or guardian (if known)

INFORMATION SHEET

IN RE: _____ CASE NO: MH-C _____
Name of Subject/Respondent

ADDRESS WHERE SUBJECT IS STAYING: _____

CITY: _____ STATE: _____ ZIP: _____

RESPONDENT'S HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

RESPONDENT'S PHONE NUMBER (CELL): _____ (OTHER): _____

RESPONDENT'S EMAIL ADDRESS: _____

RESPONDENT'S DATE OF BIRTH: _____ SSN (IF KNOWN): _____

AGE: _____ SEX: _____ RACE: _____ HEIGHT: _____ FT _____ IN WEIGHT: _____

SCARS, MARKS, TATTOOS: _____

ALIAS, FRIENDS, HABITS, HANGOUTS, OR OTHER LEADS: _____

MARITAL STATUS: ☐ SINGLE ☐ MARRIED ☐ DIVORCED

VEHICLE INFO: MAKE: _____ MODEL: _____ YEAR: _____ TAG: _____

ARREST HISTORY: ☐ YES ☐ NO ☐ PENDING CHARGES: _____

PLEASE ATTACH A CURRENT PHOTO OF SUBJECT

NAME OF PETITIONER: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

HOME PHONE: _____ CELL PHONE: _____

EMAIL ADDRESS: _____

RELATIONSHIP TO SUBJECT: _____

DATE: _____ SIGNATURE: _____

Attachment "B"

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

IN RE: _____,
Respondent.

CASE NO.: MH-C _____
DIVISION: _____

**ORDER AND SUMMONS TO APPEAR AT HEARING ON
PETITION FOR INVOLUNTARY TREATMENT SERVICES**

THIS CAUSE is before the court upon Petitioner's Petition for Involuntary Treatment Services of the above-named Respondent. The Court, having reviewed the petition and applicable law, and being otherwise duly advised in the premises, finds as follows:

1. The Respondent either:
 - (a) reasonably appears to meet the criteria for involuntary admission as provided in section 397.675, Florida Statutes;
 - (b) been placed under protective custody pursuant to section 397.677, Florida Statutes within the previous 10 days;
 - (c) been subject to an emergency admission pursuant to section 397.679, Florida Statutes within the previous 10 days; or
 - (d) been assessed by a qualified professional within the past thirty (30) days or has been ordered to undergo an involuntary assessment and stabilization pursuant to sections 397.68141(5) and 397.6818(1), Florida Statutes by order of this Court.
2. The petition was executed by the Respondent's spouse or legal guardian, relative, a service provider, or an adult with direct personal knowledge of the Respondent's substance abuse impairment and his or her prior course of assessment and treatment.

Accordingly, it is hereby:

ORDERED that a hearing on the petition for involuntary treatment, and specifically on the issue of whether the Respondent should be court-ordered to undergo involuntary substance abuse treatment and services, shall be heard before General Magistrate _____, on _____, 20____, at _____ a.m./p.m. in Courtroom WW_____, Broward County Courthouse, 201 S.E. 6th Street, Fort Lauderdale, Florida 33301. The Respondent shall be summoned to appear and is hereby **ORDERED TO APPEAR** at said hearing.

IT IS FURTHER ORDERED that the Office of Criminal Conflict and Civil Regional Counsel ☐ is or ☐ is not provisionally appointed as counsel for Respondent at all subsequent hearings as to involuntary treatment services, ☐ until a determination of indigency is completed, or ☐ Respondent is not indigent. The Clerk of the Court shall electronically transmit a copy of this Order to the Office of Criminal Conflict and Civil Regional Counsel, if provisionally appointed.

IT IS FURTHER ORDERED that a copy of the Petition and this Order shall be provided to the Petitioner, counsel for Petitioner, if applicable, Respondent, and counsel for Respondent.

The Clerk of the Court shall furnish a copy of the Petition, this Order and Summons, and any other document related to the Petition to the Sheriff of Broward County, or any other authorized law enforcement officer or certified process server, who shall effect service upon the Respondent as soon thereafter as possible on any day of the week and at any time of the day or night (unless Petitioner is represented by counsel and said counsel has indicated they will utilize a private certified process server in lieu of the Sheriff). The Clerk of the Court shall also furnish to the Sheriff such information on the Respondent's physical description and location. The Sheriff, certified process server, or counsel for petitioner, as appropriate, shall file with the Court, a return indicating service or non-service.

DONE AND ORDERED in Chambers, Fort Lauderdale, Broward County, Florida, this _____ day of _____, 20_.

Circuit Judge

Copies to:

Petitioner
Respondent
OCCRC
Broward Sheriff's Office

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact ADA Coordinator, Room 20140, 201 S.E. Sixth Street, Fort Lauderdale, Florida 33301, 954-831-7721 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

Attachment "C"

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

IN RE: _____,
Respondent.

CASE NO.: MH-C _____
DIVISION: _____

ORDER DENYING PETITION FOR INVOLUNTARY TREATMENT SERVICES

THIS CAUSE is before the court upon Petitioner's Petition for Involuntary Treatment Services regarding the above-named Respondent. The Court, having reviewed the petition and applicable law, and being otherwise duly advised in the premises, finds as follows:

1. A petition seeking involuntary substance abuse treatment services regarding the above-named Respondent has been filed with the Broward Clerk of Courts, which is the county where the Respondent is located.
2. Based solely upon the contents of the petition, a summons and order to appear at hearing should be not entered because:

☐ The petition ☐ is ☐ is not sworn or verified.

☐ The petition does not demonstrate that Respondent:

- (a) reasonably appears to meet the criteria for involuntary admission as provided in section 397.675, Florida Statutes;
- (b) has been placed under protective custody pursuant to section 397.677, Florida Statutes within the previous 10 days;
- (c) has been subject to an emergency admission pursuant to section 397.679, Florida Statutes within the previous 10 days; or
- (d) has been assessed by a qualified professional within the past thirty (30) days.

☐ The petition is not shown to have been executed by a relative, guardian, legal custodian of a minor, private practitioner (as defined in section 397.311, Florida Statutes), the director of a licensed service provider or the director's designee, or an adult who has direct personal knowledge of the respondent's substance abuse impairment.

Accordingly, it is hereby:

ORDERED that the Petition for Involuntary Treatment Services is **DENIED**.

DONE AND ORDERED in Chambers, Fort Lauderdale, Broward County, Florida, this
____ day of _____, 20____.

Circuit Judge

Copies to:

Petitioner
Respondent

Attachment "D"

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

IN RE: _____,
Respondent.

CASE NO.: MH-C _____
DIVISION: _____

_____/

EX PARTE ORDER FOR INVOLUNTARY ASSESSMENT AND/OR STABILIZATION

THIS CAUSE is before the court upon Petitioner's Petition for Involuntary Treatment Services, pursuant to sections 397.68111, 397.68141 and 397.68151, Florida Statutes. The court, having reviewed the petition and applicable law, and being otherwise duly advised in the premises, determines as follows:

1. A petition seeking involuntary treatment services for the above named Respondent has been filed with the Broward Clerk of Courts, which is the county where the Respondent is located. The petition is sworn or verified.
2. The petition was executed by the Respondent's spouse or legal guardian, relative, a private practitioner (as defined in section 397.311, Florida Statutes), the director of a licensed service provider or the director's designee, or an adult who has direct personal knowledge of the respondent's substance abuse impairment.
3. Based solely upon the contents of the petition, there is good faith reason to believe that the Respondent is substance abuse impaired or has a co-occurring mental health disorder and, because of such impairment or disorder has lost the power of self-control with respect to substance abuse, and either:
 - ☐ Is in need of substance abuse services and, by reason of substance abuse impairment, his or her judgment has been so impaired that he or she is incapable of appreciating his or her need for such services and of making a rational decision in that regard; or
 - ☐ Without care or treatment, is likely to suffer from neglect or refuse to care for himself or herself; that such neglect or refusal poses a real and present threat of substantial harm to his or her well-being; and that it is not apparent that such harm may be avoided through the help of willing family members or friends or the provision of other services, or there is substantial likelihood that the person has inflicted, or threatened to or attempted to inflict, or, unless admitted, is likely to inflict, physical harm on himself, herself, or another.

Accordingly, it is hereby:

ORDERED based solely upon the contents of the Petition than an ex parte Order for Involuntary Assessment and/or Stabilization is **GRANTED** as set forth herein. Based solely on the contents of the petition, the Office of Criminal Conflict and Civil Regional Counsel is provisionally appointed as counsel for Respondent until a determination of indigency is completed. The Clerk of the Court shall electronically transmit a copy of this Order to the Office of Criminal Conflict and Civil Regional Counsel.

IT IS FURTHER ORDERED, based upon the allegations in the petition, pursuant to section 397.501(7), Florida Statutes and applicable federal law and regulations, including 42 U.S.C. §290dd-2(a) and 42 C.F.R. §2.64, good cause exists for disclosure by the below-named service provider regarding the identity, diagnosis, prognosis, and treatment of the Respondent in this case. Any objection to the disclosure by the respondent, service provider, or other interested party(ies) shall be made in writing prior to any subsequent hearings in this matter, if any. If no objections are made, the disclosure may occur at the subsequent hearing(s).

IT IS FURTHER ORDERED that the Sheriff of Broward County shall take the above named Respondent into custody and deliver or arrange for the delivery of such person to _____ (name of licensed service provider), or, if for reasons provided in section 397.6751, Florida Statutes, the treatment provider cannot admit the client to the facility, then to the nearest appropriate licensed receiving facility, for the purpose of assessment and stabilization pursuant to the provisions of Chapter 397, Florida Statutes. The above named Respondent may be detained at said facility for no more than 72 hours unless the Court has entered an order pursuant to section 397.6818(3)(a), or the provisions of section 397.6818(3)(b) or (3)(c) apply. Said law enforcement officer or agent may serve and execute this Order on any day of the week, at any time of the day or night, and may use such reasonable physical force as may be necessary to gain entry to the premises, and any dwellings, buildings, or other structures located on the premises, and to take custody of the above named respondent.

DONE AND ORDERED in Chambers, Fort Lauderdale, Broward County, Florida, this _____ day of _____, 20_.

Circuit Judge

Copies to:

Petitioner
Respondent
Broward Sheriff's Office

Attachment "E"

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

IN RE: _____,
Respondent.

CASE NO.: MH-C _____
DIVISION: _____

**EX PARTE ORDER DENYING REQUEST FOR EMERGENCY FOR INVOLUNTARY
ASSESSMENT AND/OR STABILIZATION**

THIS CAUSE is before the court upon Petitioner's Petition for Involuntary Treatment Services regarding the above-named Respondent. The Court, having reviewed the petition and applicable law, and being otherwise duly advised in the premises, finds as follows:

1. A petition seeking involuntary substance abuse treatment services regarding the above-named Respondent has been filed with the Broward Clerk of Courts, which is the county where the Respondent is located, and a request for involuntary assessment and/or stabilization of the Respondent has been made.
2. Based solely upon the contents of the petition, an ex parte order directing the Respondent into custody and to be delivered to the appropriate licensed service provider for an involuntary assessment and/or stabilization should not be entered because:
 - ☐ The petition does not demonstrate that exigent and/or emergency circumstances exist.
 - ☐ The Respondent has already been subject to an assessment within the previous 30 days.

Accordingly, it is hereby:

ORDERED that Petitioner's request for an order authorizing the involuntary assessment and/or stabilization of the above-named respondent pursuant to Chapter 397, Florida Statutes, is **DENIED**.

DONE AND ORDERED in Chambers, Fort Lauderdale, Broward County, Florida, this _____ day of _____, 20____.

Circuit Judge

Copies to:

Petitioner
Respondent
OCCRC