

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

Order Number 2016-33-PRC

ADMINISTRATIVE ORDER AS TO  
BAKER ACT PROCEDURES

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- (a) Florida Rule of Judicial Administration 2.215(b)(3) states the chief judge shall “develop an administrative plan for the efficient and proper administration of all courts within that circuit.”
- (b) Chapter 394, Part I, Florida Statutes, commonly referred to as The Baker Act authorizes judges to enter ex parte orders for involuntary examination. The judges seek the least restrictive manner to link individuals with community mental health services to determine if an individual requires transfer for an involuntary examination or if community mental health services are available.
- (c) In accordance with the authority vested in the chief judge by Florida Rule of Judicial Administration 2.215, it is ordered:
- (1) Upon the filing of a Petition and Affidavit Seeking Ex Parte Order Requiring Involuntary Examination, the Clerk of Court shall forward the court records to the assigned judge.
  - (2) The judge shall determine if the allegations are or are not sufficient for further assessment of the respondent.
  - (3) If the allegations are insufficient for an involuntary examination it shall be denied.
  - (4) If the judge determines the allegations may be sufficient for an involuntary examination it shall be granted and require Henderson Behavioral Health to perform an outpatient evaluation to determine if the respondent meets The Baker Act criteria for an involuntary examination or if community mental health services are a least restrictive means to meet the respondent’s needs.
  - (5) The Petition and order granting shall be forwarded by the Clerk of Court to Henderson Behavioral Health by secure email. The Clerk of Court shall call Henderson Behavioral Health to inform it that an order was sent by email.
  - (6) Upon receipt of the order, the Mobile Crisis Response Team at Henderson Behavioral Health shall review the court records and thereafter assess the respondent. If the clinician is unable to conduct an evaluation to determine if the respondent meets the criteria for an involuntary examination he or she shall be transported to the nearest receiving facility for continuation of said involuntary examination. The respondent

shall be transported by the Broward Sheriff or any Deputy Broward Sheriff or any other authorized law enforcement officer to the nearest receiving facility.

- (7) Upon receipt of the order, the Mobile Crisis Response Team at Henderson Behavioral Health shall review the court records and thereafter assess the respondent. If the clinician conducts the evaluation and determines the respondent meets the criteria for an involuntary examination and there are no community mental health services which can meet his or her needs, the respondent shall be transported to the nearest receiving facility. The respondent shall be transported by the Broward Sheriff or any Deputy Broward Sheriff or any other authorized law enforcement officer to the nearest receiving facility.
- (8) Upon receipt of the order, the Mobile Crisis Response Team at Henderson Behavioral Health shall review the court records and thereafter assess the respondent. If the clinician conducts the evaluation and determines the respondent does not meet the criteria for an involuntary examination and there are community mental health services which can meet his or her needs, the respondent shall be referred to the community resources.
- (9) Henderson Behavioral Health shall provide monthly statistics to the Probate Division Administrative Judge with the number of respondents who met criteria for transport to the nearest receiving facility and the number of respondents who did not meet criteria.
- (10) This Administrative Order vacates and supersedes Administrative Order I-98-A-18.

DONE AND ORDERED in chambers at Fort Lauderdale, Broward County, Florida on  
June 24, 2016.

/s/ Peter M. Weinstein  
Peter M. Weinstein, Chief Judge