

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR POLK COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 2-57.3

IN RE: FELONY FORENSIC DOCKETING

WHEREAS, there is a need to effectively and efficiently handle those defendants/patients which have been involuntarily committed to state facilities so as to avoid the cycle of stabilization and subsequent decompensation of defendants/patients who have been returned from state hospitals, and to assure that any information concerning medications or doctors' instructions have been conveyed to concerned parties, and

WHEREAS, the existing procedure is in need of amendment to assure the appropriate dealing with defendants/patients, it is

THEREFORE, necessary to amend the existing Felony Forensic Docket so as to set up a special calendaring process to handle such defendants/patients returning to court from various state hospitals or community-based treatment programs in each of the Felony Divisions. Accordingly, it is

ORDERED AND ADJUDGED as follows:

1. Administrative Order No. 2-57.2, previously entered on June 8, 2006 is hereby vacated.
2. Each of the separate Felony Divisions shall handle its own Forensic Docketing, and all defendants/patients being returned to Polk County shall be scheduled for a return hearing before the Judge of the Division that involuntarily committed the defendant to state care in an expeditious manner.
3. When information or reports are received from the various state hospitals or programs indicating that the defendant/patient is competent to proceed, or ready for further hearings, the recipient of said report (whether it be the involved attorney, the Clerk's Office, or any Judicial Assistant) shall notify the Judicial Assistant for the Judge in the assigned Division from which the Order of Involuntary Commitment had emanated that the defendant/patient is available for transport back to Polk County.
4. Within 24 hours of receipt of the report, the Judicial Assistant for the Judge assigned to the Division in which the defendant's/patient's case is pending shall prepare, and the Judge shall sign, an Order to Transport and Notice of Status Hearing in an appropriate form Order (a copy of which is attached hereto and made a part hereof). The status hearing shall be held within 10 days of the date of the Order with the goal of having the Status Hearing within approximately 48 hours from the time the defendant/patient has been returned from the State Hospital to the Polk County Jail. Copies of the Order shall be

provided as noted in the Order. Transportation of the Defendant from the state hospital shall be coordinated with the Polk County Sheriff's Office (Transportation Department).

5. At the initial status hearing, the court shall determine the need for further evaluations or status conferences and/or (if the defendant/patient is competent to proceed) schedule the case for the next pretrial hearing. The court may also consider the propriety of the defendant's pretrial release into Pretrial Services, Conditional Release, Release upon Bond, or other appropriate release.
6. If the defendant's attorney deems it appropriate to have further local evaluations done, he/she shall be responsible for making the doctors' appointments with the appropriate court appointed doctors as expeditiously as possible.
7. In order to assure the expeditious handling of these forensic cases, officers of Pretrial Services shall screen the defendant/patient, pursuant to Administrative Order No. 2-56.1, and if the defendant/patient appears for a First Appearance Hearing upon return to the Polk County Jail, the Clerk of the Court shall notify the appropriate Felony Division Judge of the defendant's/patient's presence and availability for hearing, and the designated First Appearance Judge shall confirm that a timely return hearing is scheduled with the goal of having a Status Hearing in front of the appropriate Division Judge within approximately 48 hours from the time the defendant/patient has been returned from the State Hospital to the Polk County Jail.

DONE AND ORDERED on this 9th day of May, 2008.

J. DAVID LANGFORD, Chief Judge

Attachment (Order)

IN THE CIRCUIT COURT IN AND FOR POLK COUNTY, FLORIDA

STATE OF FLORIDA,

Plaintiff,

v.

CASE NO.

Defendant.

_____ /

ORDER TO TRANSPORT AND NOTICE OF HEARING

THIS COURT having been advised by the Department of Children and Families, by and through the Administrator of the Florida State Hospital, the facility in which the Defendant is currently being treated, the above named Defendant no longer meets the criteria for continued commitment under the provisions of chapter 916, Florida Statutes, and requesting a hearing on the issues raised in the report as provided in applicable statutes and rules of criminal procedure, it is hereby

ORDERED AND ADJUDGED as follows:

Upon receipt of this Order, the Sheriff of Polk County, Florida, or designee, shall forthwith resume custody of and deliver the Defendant to the appropriate detention facility under the jurisdiction of this Court no later than _____; and, further, shall present the Defendant before this Court for a hearing on the issues raised in the report from the Florida State Hospital at _____.

If continued medication of this Defendant is required, provided, or prescribed by the treatment facility for the Defendant herein, appropriate officials of the detention facility where the Defendant is to be held shall administer, or cause to be administered, said medication in accordance with the instructions of the treatment facility, continuing unless and until modified or eliminated by authorized medical authority.

Two (2) certified copies of this Order shall be delivered forthwith to the Sheriff of Polk County, Florida, or designee, one for their files and one to be presented to the treatment facility at the time of the Sheriff, or designee, takes custody of the Defendant.

The Sheriff of Polk County, Florida, or designee, shall, prior to the execution of this Order, give a minimum of twenty-four (24) hours notice unto the Department of Children and Families facility named above by calling the facility and advising them of their intent to resume custody of the Defendant in the above styled cause.

DONE AND ORDERED in Bartow, Polk County, Florida, this ____ day of _____ 2008.

Circuit Judge

Copies furnished to:

- Polk County Sheriff's Office
- Office of the State Attorney
- Office of the Public Defender
- Florida State Hospital (Certified and Hand Delivered at time of pickup by Sheriff or Designee)
- Connie Miller, Agency for Persons with Disabilities
- Lorenzo "Mac" McCloud, Human Services Program Specialist, DCFS, 4720 Old SR 37, Lakeland, FL, 33813
- John Ruffin, Peace River Center for Personal Development, P.O. Box 1559, Bartow, FL, 33831
- Derek Zimmerman, Central County Jail, 2390 Bob Phillips Road, Bartow, Florida, 33830
- Michelle Bass, R.N., Polk County Jail, 2390 Bob Phillips Road, Bartow, Florida, 33830