

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY,
FLORIDA

**ADMINISTRATIVE ORDER NO:
17-20-B**

**IN RE: MENTAL HEALTH - MARCHMAN ACT HEARINGS - TELEPHONIC
APPEARANCE OF QUALIFIED PROFESSIONALS**

WHEREAS, Florida’s Marchman Act, Chapter 397, Florida Statutes, provides for hearings on petitions for involuntary treatment; and

WHEREAS, Florida Rules of Civil Procedure provide for the telephonic appearance of witnesses at hearing only “(1) by agreement of the parties or (2) for good cause shown upon written request of a party upon reasonable notice to all other parties.” Fla. R. Civ. P. 1.451; Fla. R. Jud. Admin. 2.530; and

WHEREAS, electronic testimony may be taken “only if a notary public or other person authorized to administer oaths in the witness’s jurisdiction is present with the witness and administers the oath consistent with the laws of the jurisdiction.” Fla. R. Civ. P. 1.451; Fla. R. Jud. Admin. 2.530; and

WHEREAS, Florida Rule of Judicial Administration 2.530 further requires that the “[t]he cost for the use of the communication equipment is the responsibility of the requesting party unless otherwise directed by the court.” Fla. R. Jud. Admin. 2.530; and

WHEREAS it would impose a hardship and undue expense for the treating professionals in Marchman Act proceedings to appear in person; and

NOW THEREFORE WHEREAS it is in the best interests of the parties to have a qualified professional available to testify, whether in person or through electronic communication, and pursuant to the authority vested in me as Chief Judge of the Eighteenth Judicial Circuit of Florida, under Rule 2.215, of the Florida Rules of Judicial Administration;

It is hereby **ORDERED**:

1. In Marchman Act hearings for involuntary treatment, treating professionals may appear by telephone without the prior written request or notice to the parties required under Fla. R. Civ. P. 1.451 and Fla. R. Jud. Admin. 2.530.

2. Such testimony will be authorized only if a notary public or other person authorized to administer oaths in the witness's jurisdiction is present with the witness and administers the oath consistent with the law of the jurisdiction.

DONE AND ORDERED this 24th day of April, 2017.

JOHN D. GALLUZZO
JOHN D. GALLUZZO
CHIEF JUDGE

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