

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

**ADMINISTRATIVE ORDER NO.:**  
**12-09-S**

**IN RE: MENTAL HEALTH COURT**

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WHEREAS, the Supreme Court of Florida, Steering Committee on Families and Children in the Court and its' subcommittee on mental health was charged with addressing the issues of persons with mental illnesses involved in the criminal justice system; and

WHEREAS, specialized courts can enhance the expediency, effectiveness and quality of judicial administration; and

WHEREAS, in view of the nature of mental illness and developmental disability, it is in the public interest and in the interest of justice that a new strategy be implemented to address persons who are mentally ill or developmentally disabled and who are arrested for nonviolent criminal offenses; and

WHEREAS, the Court in the interest of justice strives to balance the need for mentally ill and developmentally disabled defendants to receive appropriate treatment with the need for public safety; and

WHEREAS, there is a recognized need for the Court to expeditiously and efficiently move mentally ill or developmentally disabled defendants, who are qualified to participate in the Mental health Court from jail into the mental health system without compromising the safety of the public;

It is, therefore ORDERED:

1. Mental Health Court ("MHC") shall be operational within Seminole County Court Criminal Division as a program for cases involving defendants who are suffering from mental illness or a developmental disability and arrested for misdemeanors or criminal traffic offenses, and certain approved third-degree felonies. A county Court Judge ("MHC Judge"), appointed by the Chief Judge, shall preside over MHC. MHC shall be made sua sponte by any court, by Court Services, by the Seminole county Jail Mental Health Specialist (masters level practitioners) at the Seminole County Jail, the state, the defense attorney, law enforcement, mental health providers, or any other interested person. Prior to the MHC Judge transferring the case to the MHC docket, the defendant

must enter a written waiver of speedy trial, unless specifically objected to by defense counsel.

2. Referrals into the program may be made sua sponte by any court, by Court Services, by the Forensic Program at the Seminole County Jail, the State, the defense attorney, law enforcement, mental health providers, or any other interested person. The criterion for admittance into the program requires diagnosis by a mental health expert of (a) a current Axis I mental illness including Schizophrenia, Bi-polar Disorder, Recurrent Major Depressive Disorder, Post-Traumatic Stress Disorder, or other psychotic disorders of an unspecified nature or (b) a developmental disability as defined in Section 393.063(12), Florida Statutes.
3. Upon defendant's diagnosis of a current Axis I mental illness or developmental disability by a mental health expert, and the assigned judge's determination that the defendant is mentally ill or developmentally disabled and after approval of the parties set forth above, the Mental Health Court Judge shall enter an order transferring the case to Mental Health Court and directing the Clerk to place the case or cases, including any traffic criminal cases involving the accepted defendant, on the Misdemeanor Mental Health Court docket.
4. Prior to the Mental Health Court Judge transferring the case to the Mental Health Court docket, the defendant must enter a written waiver of speedy trial.
5. The case shall be transferred back to the original criminal division if a defendant fails, for any reason, to successfully participate and complete the Mental Health Court program and the defendant's right to a speedy trial may be reinstated upon a written demand.
6. Defendants who are accepted for participation in the Mental Health Court, and who voluntarily agree to participate in the Mental Health Court, shall, at the discretion of the State Attorney, enter into a Deferred Prosecution Agreement. Additionally the court will enter an Order transferring the defendant's case(s) into the Mental Health Court as a court event.
7. Defendants accepted into the Mental Health Court will attend regular court hearings as ordered by the court, based on each defendant's needs. After the defendant's acceptance into the Mental Health Court, the defendant will participate in continued assessment and treatment and engage in discharge planning. The defendant's participation will end upon the successful completion of the discharge plan. The charges will be then dismissed by the State Attorney or the violation of probation will be dismissed by the Mental Health Court judge.
8. The public is entitled to access to judicial records, however, patient treatment records are an exception to this rule and are deemed confidential by Florida law. See sections 395.3025 (7), and 393.13, Florida Statutes (central records of clients who are determined to be eligible by the Department of Children and Family Services for development services). In the event a treatment record or report is placed in the court file of a Mental Health Court participant, the court will determine whether such report is a confidential patient record, exempt under Florida law from public access, and if the court finds the record is exempt the court will seal the document and mark the envelope with the date,

description, and author of the document, whereupon access to the document will be limited to those authorized under Section 395.3025 and 393.13, Florida Statutes, or by court order.

DONE AND ORDERED, this 1st day of June, 2012.

ALAN A. DICKEY  
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CHIEF JUDGE

Distribution:

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