

ADMINISTRATIVE ORDER
NO. 2000-8-02

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR OSCEOLA COUNTY, FLORIDA

**AMENDED ADMINISTRATIVE ORDER GOVERNING A MENTAL HEALTH COURT
PROGRAM IN OSCEOLA COUNTY CIVIL DIVISION**

WHEREAS, this Circuit has recognized that the creation of “specialized courts” within other divisions of the Court has enhanced the expediency, effectiveness and quality of judicial administration; and

WHEREAS, it is essential that a new strategy be implemented to isolate and focus upon individuals arrested for non-violent offenses who are mentally ill or mentally retarded in view of the unique nature of mental illness and mental retardation, and the need for appropriate treatment in an environment conducive to wellness and not punishment, as well as the continuing necessity to insure the protection of the public; and

WHEREAS, there is a recognized need for the Court to expeditiously and efficiently move people from an overcrowded jail system into the mental health system, without compromising the safety of the public; and

WHEREAS, the rapidly increasing number of cases involving mentally ill or mentally retarded defendants has contributed to jail overcrowding and to congesting and overburdening the court dockets in the county court criminal division; and

WHEREAS, the courts and the jails have not historically been able to adequately address the treatment needs of mentally ill and mentally retarded defendants and it has been the experience in this Circuit that mentally ill and mentally retarded offenders who do not receive treatment and/or services have a high recidivism rate; and

WHEREAS, a centralized Mental Health Program would increase the efficiency of the criminal court system in Osceola County; and

WHEREAS, a continuing shrinkage of mental health care resources necessitate that such

resources be centralized, as much as possible, thereby making them more accessible; and

WHEREAS, it is necessary that this Circuit utilize available community resources and support, to establish an individualized judicial process that will, where appropriate, tailor treatment rather than punishment for the mentally ill and mentally retarded misdemeanants;

NOW, THEREFORE, I, Belvin Perry, Jr., pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.215 hereby order the following, **effective immediately**:

1. A Mental Health Court Program hereinafter referred to as “Mental Health Court” was approved and is currently operating in Subdivision 60-G of the County Court Civil Division in Osceola County. The Mental Health Court shall hear cases involving defendants arrested for misdemeanors or felonies who are suffering from mental illness or are mentally retarded. The offender must meet the following qualifications:

- a) The individual does not have any current charges or a prior conviction for murder, attempted murder, sex crimes and other sexual related offenses (with the exception of prostitution), home invasion, crimes against children, car jacking, aggravated battery or any other capital life felonies;
- b) DUI must have prior State Attorney approval;
- c) The individual has not been found guilty of a violent felony within the past 5 years;
- d) The individual must reside in Osceola County (some exceptions for other counties that are contiguous);
- e) If the individual is on community control or probation, approval must be granted from the officer supervising the offender;
- f) If the individual has violated probation, the probation officer’s approval is required or referral from the VOP Judge;
- g) Any individual with an active domestic violence injunction/protection order or currently charged with domestic violence must have victim approval;

- h) The Office of the State Attorney will review any referral and can object, which will conclude the individual's participation in MHC and return the case(s) to the originally assigned court docket.
2. The Clerk of the Court shall assign or transfer to Mental Health Court all non-violent misdemeanor cases, including traffic criminal, in which the defendants preliminarily qualify for admission to Mental Health Court. The defendants will be preliminarily qualified at any point in the proceedings, if they previously or currently have been diagnosed by a mental health expert as suffering from mental illness or mental retardation or have manifested obvious signs of mental illness or mental retardation during arrest or confinement or before any court.
3. Motions for transfer into Mental Health Court may be made *sua sponte* by any court or by the Defense or the State Attorney accompanied by documentation or testimony in support thereof and will be heard by the Mental Health Court Judge, who shall make the final determination of a defendant's eligibility. Either the State Attorney or Defense may object in writing to a defendant's transfer to Mental Health Court, in which case the defendant's case will remain in or be transferred back to a criminal trial division. Any motion to transfer a defendant into Mental Health Court, unless specifically objected to by the Defense, shall be deemed a waiver of the defendant's right to a speedy trial and formal discovery, other than the providing of documentation relating to defendant's mental health status and all available statements and police reports.
4. If the assigned Judge determines that a defendant is mentally ill or mentally retarded, the defendant shall be eligible for Mental Health Court. If a defendant is determined to be ineligible for Mental Health Court, the case shall be transferred back to the original division or, if it had not been previously assigned to another division, assigned by the Clerk of the Court to a

County Court Criminal Division and the defendant's right to a speedy trial and formal discovery may be reinstated upon a written demand.

5. If a defendant is eligible for Mental Health Court, all of the defendant's qualified cases, including violations of misdemeanor probation, shall be consolidated and transferred to the assigned Mental Health Court Judge. Once a defendant is accepted into Mental Health Court and it is determined that the case will be set for trial it will be transferred back to the originally assigned court and the defendant's right to a speedy trial may be reinstated upon a written demand.

6. Osceola County Corrections staff will make all reasonable efforts to secure the attendance of all defendants whose cases are to be heard before Mental Health Court, unless effectuating such will cause a danger to the public or to the defendants themselves.

7. The Honorable Ronald A. Legendre is hereby designated as the Judge assigned to Mental Health Court. In that capacity, Judge Legendre will be responsible for administering Mental Health Court and coordinating the role of the judiciary with the functions of the Osceola County Mental Health Association, private mental health care providers, Osceola County Court Probation, the Florida Department of Children and Family Services and the Osceola County Pretrial Release Program. Judge Legendre shall be responsible for conducting initial appearances for all defendants preliminarily determined to be eligible for Mental Health Court who have not previously been to initial appearance. Judge Legendre will still maintain his caseload in his regular County Court Subdivision while serving as Judge of Mental Health Court.

8. Judge Legendre is hereby appointed as an acting Circuit Court Judge in all matters relating to Chapters 393, 394 and 397, Florida Statutes. In the absence of Judge Legendre, the

Honorable Stefania Jancewicz, County Judge, shall serve as his alternate, to enter orders which are necessary, fit and proper, and/or as required by law.

Administrative Order 2000-8-01 is vacated and set aside and has been incorporated and/or amended herein.

DONE AND ORDERED at Orlando, Florida, this 15th day of May, 2009.

_____/s/_____
Belvin Perry, Jr.
Chief Judge

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