

ADMINISTRATIVE ORDER  
NO: 2005- 19

IN THE CIRCUIT COURT OF THE  
NINTH JUDICIAL CIRCUIT, IN  
AND FOR ORANGE & OSCEOLA  
COUNTIES, FLORIDA

**ORDER GOVERNING THE ADMINISTRATION OF MEDROXYPROGESTERONE  
ACETATE TO PERSONS CONVICTED OF SEXUAL BATTERY,  
ORANGE & OSCEOLA COUNTIES**

**WHEREAS**, pursuant to section 794.0235, Florida Statutes, the Court “*may*” sentence a defendant to be treated with medroxyprogesterone acetate (MPA) if the defendant is convicted of sexual battery as defined in section 794.011, Florida Statutes; and

**WHEREAS**, also pursuant to section 794.0235, the Court “*must*” sentence a defendant to be treated with medroxyprogesterone acetate (MPA) if the defendant is convicted of sexual battery as defined in section 794.011 *and* the defendant has a prior conviction of sexual battery under section 794.011;

**NOW, THEREFORE**, I, Belvin Perry, Jr., pursuant to authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida, pursuant to Florida Rule of Judicial Administration 2.050, hereby order that the following shall take effect immediately:

1. Where the successful prosecution of a person will result in the conviction for sexual battery under section 794.011, the State Attorney shall, at any time prior to the Court’s acceptance of a negotiated plea or, in all other cases, at any time prior to entry of a judgment of sentence, file an original Notice of Applicability of Section 794.0235, Florida Statutes, Authorizing or Requiring the Treatment of Defendant With Medroxyprogesterone Acetate with the Clerk of Court, and shall provide copies of such notice in open court to defense counsel or to defendant if not represented by counsel in addition to the presiding Judge. Such notice shall contain the following statements:

a. that the defendant has, in the instant case, either (i) entered a negotiated

plea which has not yet been accepted by the Court, or (ii) has previously pled without a negotiated plea, or (iii) has otherwise been found guilty of sexual battery;

b. whether the defendant has ever been previously convicted of sexual battery under section 794.011, Florida Statutes, and if so, a certified copy of the prior sexual battery conviction(s) or such other evidence that the Court deems sufficient as proof of the prior sexual battery conviction shall be provided to the Court and to defense counsel or to defendant if unrepresented by counsel, either as an exhibit or as a separate filing prior to entry of a final judgment of conviction; and

c. whether the State Attorney contends, based on the presence or absence of any prior conviction(s), that a sentence involving the treatment of defendant with MPA is discretionary or mandatory.

2. This Order shall apply to all circuit criminal proceedings now pending or hereafter commenced in the circuit criminal division of this Court;

3. A sample form Notice of Applicability of Section 794.0235, Florida Statutes, Authorizing or Requiring the Treatment of Defendant With Medroxyprogesterone Acetate is attached to this order as Exhibit "A."

**DONE AND ORDERED** in chambers, at Orlando, Florida, this 28th day of October, 2005.

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

Copies provided to:  
Clerk of Courts, Orange County  
Clerk of Courts, Osceola County  
General E-Mail Distribution List  
<http://www.ninja9.org/adminorders/query.asp>

**EXHIBIT "A"**

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

STATE OF FLORIDA,  
Plaintiff,

vs.

\_\_\_\_\_,  
Defendant.

**NOTICE OF APPLICABILITY OF SECTION 794.0235, FLORIDA STATUTES,  
AUTHORIZING OR REQUIRING TREATMENT OF DEFENDANT WITH  
MEDROXYPROGESTERONE ACETATE (MPA)**

The State Attorney hereby gives notice of the applicability of section 794.0235, Florida Statutes, based on the following facts:

1. The defendant, in the instant case:

\_\_\_\_\_ has entered into a negotiated plea of guilty or no contest to sexual battery under section 794.011, Florida Statutes, which has not yet been accepted by the Court; or

\_\_\_\_\_ has previously pled guilty or no contest without a negotiated plea to sexual battery under section 794.011, Florida Statutes; or

\_\_\_\_\_ has been found guilty of sexual battery under section 794.011, Florida Statutes, following trial.

2. The defendant **has / has never** (*circle one*) been previously convicted of sexual battery under section 794.011, Florida Statutes. Proof of such conviction(s), if applicable, is **attached / will be submitted separately** (*circle one*).

3. The State Attorney contends, based on the presence or absence of any prior conviction, that a sentence involving the treatment of the defendant with MPA is **discretionary / mandatory** (*circle one*).

\_\_\_\_\_  
ASSISTANT STATE ATTORNEY

XXXX

XXXX

Copies provided to:  
Defense Counsel/Defendant, pro se