

ADMINISTRATIVE ORDER  
NO. 2018-25

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

**ADMINISTRATIVE ORDER GOVERNING**  
**MENTAL COMPETENCE TO PROCEED**

**WHEREAS**, pursuant to Article V, Section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice; and

**WHEREAS**, to create and maintain an organization capable of effecting the efficient, prompt, and proper administration of justice for the citizens of this State, the chief judge is required to exercise direction, *see* Fla. R. Jud. Admin. 2.215(b)(2), (b)(3); and

**WHEREAS**, standardized procedures and manners of communication between the parties and the court best serve the interests of those that come before the court, preserve valuable judicial resources and prevent confusion and delay; and

**WHEREAS**, in order to provide effective coordination and in the interest of promoting judicial economy, the prompt and efficient administration of justice and in service to the citizens of the Ninth Circuit;

**NOW, THEREFORE, I**, Frederick J. Lauten, in order to facilitate the efficient operation of the administration of justice, and 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 January 1, 2019**, to continue until further order and superseding any provisions in prior Administrative Orders which may be inconsistent:

1. A fully completed Notice of Related Cases, in the form attached hereto as “Attachment A,” must be filed with a Motion to Declare a Defendant Incompetent to Proceed to Trial by the filing attorney or self-represented defendant in each of the related cases that are currently open and pending with the court and served on all other parties in each of the related cases. A defendant must file supplemental notices as related cases become known or reasonably ascertainable. The Notice of Related Cases shall contain a list of all pending cases in which the defendant is named, the case number and assigned subdivision of each case.

2. Upon the filing of a Motion to Declare a Defendant Incompetent to Proceed to Trial in circuit or county court, all pending circuit and county court cases shall be stayed pending a determination of competency by the circuit court holding the lowest open case number. If there are no pending circuit court cases, the competency determination shall occur in the county case having the lowest open case number. Upon issuance of a stay order, the trial courts handling the related cases shall set a status hearing no later than 90 days from the issuance of the stay.

3. The parties shall apprise the evaluating experts of all open cases involving the defendant. All reports generated by experts relative to the motion to establish competency shall be filed under seal in all cases related to the defendant.

4. Upon entry of an order on the motion to establish competency, the Clerk of Court is directed to file copies of such orders in all cases listed on the Notice of Related Cases.

5. Once a finding is made as to the defendant’s competency in a circuit court proceeding in which the Motion to Declare Defendant Incompetent was filed, the other courts in which a defendant has a pending case shall set a review hearing with notice to the state and defense on the status of competency. At the hearing, or upon proper notice,

each court may adopt any findings related to defendant's competency, lift the stay order,  
or - if applicable - supplement or modify the terms of the defendant's conditional release

**DONE AND ORDERED** at Orlando, Florida, this 12<sup>th</sup> day of December, 2018.

\_\_\_\_\_/s/\_\_\_\_\_  
Frederick J. Lauten  
Chief Judge

Copies provided to:

Clerk of Court, Orange County  
Clerk of Court, Osceola County  
General E-Mail Distribution List  
<http://www.ninthcircuit.org>

**“Attachment A”**

**IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT  
IN AND FOR ORANGE COUNTY**

Plaintiff(s),

Case No.: \_\_\_\_\_

vs.

Division: \_\_\_\_\_

Defendant(s).

\_\_\_\_\_ /

**NOTICE OF RELATED CASES**

Defendant submits this Notice of Related Cases pursuant to Ninth Judicial Circuit Court Administrative Order No. 2018-25, as may be amended.

<b>RELATED CASE NO 1.</b>
Name of the other case: _____
Case Number: _____ Subdivision: _____
Judge: _____
Date of filing: _____

<b>RELATED CASE NO 2.</b>
Name of the other case: _____
Case Number: _____ Subdivision: _____
Judge: _____
Date of filing: _____

<b>RELATED CASE NO 3.</b>
Name of the other case: _____
Case Number: _____ Subdivision: _____
Judge: _____
Date of filing: _____

<b>RELATED CASE NO 4.</b>
Name of the other case: _____
Case Number: _____ Subdivision: _____
Judge: _____
Date of filing: _____

**ACKNOWLEDGEMENT**

The Defendant acknowledges a continuing duty to inform the court of any cases in this or any other state that could affect the current proceeding.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Defendant/Attorney for Defendant  
Print Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
E-mail address: \_\_\_\_\_  
Florida Bar Number: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that I delivered a copy of this Notice of Related Cases to:

\_\_\_\_\_  
Signature of Defendant/Attorney for Defendant  
Print Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_  
E-mail address: \_\_\_\_\_  
Florida Bar Number: \_\_\_\_\_