

ADMINISTRATIVE ORDER  
NO. 2021-02

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

**ORDER GOVERNING ORANGE COUNTY POST-BOOKING  
MENTAL HEALTH JAIL DIVERSION PROGRAM**

**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**, pursuant to the Chief Judge's constitutional and statutory responsibility for administrative supervision of the courts within the circuit and considering available resources, 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);

**NOW, THEREFORE, I**, Donald A. Myers, Jr., 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 that, **effective immediately**, unless otherwise provided herein, to continue until further order, and superseding any provisions in prior Administrative Orders which may be inconsistent:

Any accused person may be released by the court into the Orange County Post-Booking Mental Health Jail Diversion Program after first appearance provided that:

1. The Orange County Post-Booking Mental Health Jail Diversion Program certifies to the court at first appearance that it has;
  - a. Investigated or otherwise verified to the best of its ability that the accused is currently suffering symptoms from a severe and persistent mental illness under the current Diagnostic and Statistical Manual of Mental Disorders and/or is suffering from co-occurring mental health and substance abuse disorders;
  - b. Has completed the county approved risk assessment; and
  - c. Provides to the court a preliminary treatment plan to meet the accused's individual needs.

AND THAT,

2. The accused meets the following qualifications:

a. The accused is not currently charged with a forcible felony, or has not been convicted of a forcible felony as defined in section 776.08, Florida Statutes, in the past three (3) years. "Forcible felony" means treason; murder; manslaughter; sexual battery; carjacking; home-invasion robbery; robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; and any other felony which involves the use or threat of physical force or violence against any individual.

b. An exception may be made at the discretion of the court if the accused is currently charged with or has previously been convicted of aggravated assault, resisting officer with violence or battery on a law enforcement officer. However, if currently charged with or previously convicted of resisting officer with violence or battery on a law enforcement officer, victim input is required prior to qualifying for the Program.

3. Any accused released into this Program shall comply with the following conditions of release:

- a. Comply with all orders of the court;
- b. Appear at all court hearings as directed by the court;
- c. Refrain from any criminal activity;
- d. Have no contact with any alleged victim;
- e. Participate in all treatment including taking prescribed medications as medically directed; and
- f. Meet with any case managers or peer support specialists as ordered by the court or as indicated in a treatment plan.

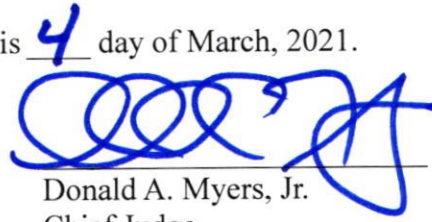
4. If an accused person released under this Program violates any condition of release, or is arrested for a crime for which probable cause has been found, the Program shall inform the judge assigned to the Post-Booking Mental Health Jail Diversion docket. The judge will schedule a hearing, to include but not limited to; the accused, the accused's attorney, the prosecuting agency, the supervising community corrections officer, case manager, and any other necessary or interested parties to determine treatment or sanctions.

5. Participation in the Program is voluntary. If at any time the accused does not wish to participate in the Program, the supervising community corrections officer shall apply to the judge assigned to the Post-Booking Mental Health Jail Diversion docket for a *capias* to return the accused to the normal channels for bond and prosecution.

6. Upon the filing of an Information, the prosecuting agency shall inform the judge who is assigned to the Post Booking Mental Health Jail Diversion docket. The judge will schedule a hearing to include but not limited to: the accused, the accused's attorney, the prosecuting agency, and the supervising community corrections officer to determine the disposition of the case as it relates to the Post Booking Mental Health Jail Diversion Program.

7. This Order shall remain in full force and effect until further order of the Court. This Order replaces section II. D. of Administrative Order 2003-39-25 only as specifically detailed herein. All other provisions of Administrative Order 2003-39-25 remain in full force and effect except where inconsistent with this Order.

**DONE AND ORDERED** at Orlando, Florida, this 4 day of March, 2021.

A handwritten signature in blue ink, appearing to read 'Donald A. Myers, Jr.', written over a horizontal line.

Donald A. Myers, Jr.  
Chief Judge

Copies provided to:

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