

**ADMINISTRATIVE ORDER GOVERNING COMPETENCY COURT
WITHIN THE UNIFIED PROBLEM SOLVING COURT SUBDIVISIONS
OF THE NINTH JUDICIAL CIRCUIT**

A significant portion of the crowded criminal court dockets in the Circuit Court consist of cases wherein the defendant has been adjudged incompetent to proceed to trial or not guilty by reason of insanity. Said cases require periodic status hearings for court oversight of the defendant's treatment progress and compliance with conditions for release until competency is restored.

The establishment of a Competency Court within the Unified Problem Solving Court Subdivision (PSC) will allow for the efficient, prompt, and proper administration of justice for defendants with competency concerns receiving competency restoration or mental health services within the community.

By the power vested in the chief judge under Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, and Rule 2.215 of the Florida Rules of General Practice and Judicial Administration, effective **January 1, 2023**, unless otherwise provided herein, to continue until further order and superseding any provisions in prior Administrative Orders that may be inconsistent, it is **ORDERED**:

Competency Court is hereby created within Subdivision 23-1 in Orange County and 13-A in Osceola County. The following procedures shall govern Competency Court:

1. **Eligibility**: A case is eligible for transfer to Competency Court once the defendant has been adjudged incompetent to proceed or not guilty by reason of insanity, and placed on conditional release for competency restoration or mental health treatment.

2. **Transfer to Competency Court:** A case may be transferred to Competency Court once the felony criminal court has:

a) issued an order adjudicating the defendant incompetent to proceed or adjudicating the defendant not guilty by reason of insanity, and

b) placed the defendant on conditional release designating the required placement and treatment provisions.

3. **Transfer Process:** To initiate the transfer of a case from a felony criminal court to Competency Court, the transferring court must:

a) Schedule the case for a status hearing in Competency Court pursuant to the scheduling tracks provided by the Competency Court judge, and

b) Issue an Order Transferring Case to the Unified Problem Solving Court Subdivision and Order Setting Competency Status Hearing, attached hereto as “Exhibit A” and “Exhibit B.”

c) A copy of the order as stated in paragraph (b) of this section shall be provided to all parties and the PSC subdivision.

d) Upon compliance with the above paragraphs, the Clerk of Courts shall assign the case to the PSC subdivision in the county where the case is filed.

e) In compliance with Administrative Order 2018-25, defense counsel must file supplemental notices as related cases become known or reasonably ascertainable.

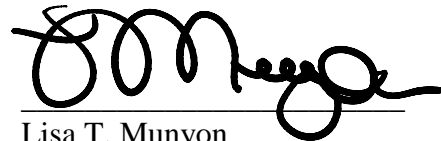
4. **Restoration of Competency & Transfer:** Cases transferred to the PSC subdivision will remain until the defendant’s competency is deemed by the court to be restored, the case is dismissed by the State or the case is dismissed by the Competency Court judge pursuant to law.

In cases where the defendant’s competency is deemed restored, the case may be transferred back to the subdivision where the case was originally assigned for further disposition.

It is within the discretion of the Competency Court judge to keep a case in the PSC subdivision in order to fully dispose of the matter through stipulated or uncontested proceedings.

Upon entry of a transfer order by the Competency Court judge, the Clerk of Courts shall reassign the case to the original criminal trial division from which the case was received. Thereupon, the defendant's right to a speedy trial and formal discovery may be reinstated upon a written demand.

DONE AND ORDERED at Orlando, Florida, this 28th day of December, 2022.

A handwritten signature in black ink, appearing to read 'Lisa T. Munyon', written over a horizontal line.

Lisa T. Munyon
Chief Judge

Copies provided to:

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

“Exhibit A”

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

STATE OF FLORIDA

CASE NUMBER:
DIVISION:

vs.

Defendant.

_____ /

ORDER TRANSFERRING CASE TO COMPETENCY COURT
AND
SETTING COMPETENCY STATUS HEARING

THIS CAUSE having come before the Court on the ____ day _____ 20____, and the Court *having entered an order adjudicating the above-named defendant incompetent to proceed and having also entered an order for commitment, custodial treatment or conditional release*, it is hereupon **ORDERED** and **ADJUDGED** as follows:

1. The Defendant remains incompetent to proceed.
2. This case is set for **competency status hearing** before the Honorable Judge Alicia L. Latimore on **Tuesday, the ____ day of _____, 20__ at _____ a.m./p.m., Courtroom _____, Orange County Courthouse**, 425 N. Orange Avenue, Orlando, Florida 32801.
3. The Clerk of Court shall transfer the case to **Competency Court-Unified Problem Solving Court Subdivision 23-1** until further order of the Court.

DONE and ORDERED on this ____ day of _____ 20_____.

CIRCUIT JUDGE

CERTIFICATE OF SERVICE

Assigned Judge, Competency Court-Unified Problem Solving Court Subdivision 23-1,
[All interested parties to be included in certificate of service by the transferring court]

“Exhibit B”

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

STATE OF FLORIDA

CASE NUMBER:
DIVISION:

vs.

Defendant.
_____ /

**ORDER TRANSFERRING CASE TO COMPETENCY COURT
AND
SETTING COMPETENCY STATUS HEARING**

THIS CAUSE having come before the Court on the ____ day _____ 20____, and the Court *having entered an order adjudicating the above-named defendant incompetent to proceed and having also entered an order for commitment, custodial treatment or conditional release*, it is hereupon **ORDERED** and **ADJUDGED** as follows:

1. The Defendant remains incompetent to proceed.
2. This case is set for **competency status hearing** before the Honorable Judge Alicia L. Latimore on **Tuesday, the ____ day of _____ 20__ at _____ a.m./p.m., Courtroom _____, Osceola County Courthouse, 2 Courthouse Square, Kissimmee, Florida 34741.**
3. The Clerk of Court shall transfer the case to **Competency Court-Unified Problem Solving Court Subdivision 13-A** until further order of the Court.

DONE and ORDERED on this ____ day of _____ 20____.

CIRCUIT JUDGE

CERTIFICATE OF SERVICE

Assigned Judge, Competency Court-Unified Problem Solving Court Subdivision 13-A,
[All interested parties to be included in certificate of service by the transferring court]