

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY,
FLORIDA

ADMINISTRATIVE ORDER NO.:
17-11-B

IN RE: MENTAL HEALTH – BAKER ACT PROCEEDINGS

The 18th Judicial Circuit Court adopts the following procedures when Baker Act proceedings are heard by a General Magistrate pursuant to sec. 394.467(6)(a)3., Florida Statutes (2016) and Fla. R. Civ. P. 1.490:

1. Upon filing, all cases seeking involuntary inpatient placement under sec 394.467(3), Florida Statutes (2016), continued involuntary inpatient placement under sec. 394.467(7), Florida Statutes (2016); involuntary outpatient placement under sec. 394.4655(4), Florida Statutes (2016); or a petition seeking consent for procedures listed under sec. 394.4598(7), shall be referred to a duly-appointed Magistrate of the 18th Judicial Circuit. This Administrative Order shall act as a blanket Order of Referral for those cases. This order does not prohibit those proceedings from being heard by a county or circuit judge.
2. Upon conclusion of the hearing, the Magistrate will inquire whether the parties agree to waive the exceptions period provided under rule 1.490(h), Fla.R.Civ.Pro. If the parties waive the exceptions period, a Circuit Judge will immediately review the Recommended Order and, if appropriate, adopt it as the Court's order.
3. Exceptions to the Magistrate's Recommended Order shall be filed promptly but in no event later than 10 days after service of the report and recommendation. A copy of the exceptions shall be delivered to the Circuit Judge assigned to the probate/mental health division.
4. Upon filing exceptions, the Court will arrange a hearing on the exceptions within 4 business days after the date of filing. The record for purposes of the hearing on the exceptions, will consist of the court's file, the recommended order, and the audio recording of the testimony presented at the hearing on the petition. No transcript will be required. The party filing the exceptions shall have the burden of so notifying the Digital Court Reporter and ensuring that copies of the audio

recording are provided to the parties and the court. The attorney for the patient may waive the patient's

appearance at the exceptions hearing. If the patient's appearance is not waived, the exceptions hearing will be held at the facility where the patient is being treated.

5. An order disposing of the exceptions will be filed within 3 days of the date of the hearing on the exceptions, unless the parties and court agree to a longer period.

Done and Ordered this 21st day of February, 2017

JOHN D. GALLUZZO
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CHIEF JUDGE

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