



ADMINISTRATIVE OFFICE OF THE COURTS
INTER-OFFICE

MEMO 2011-68

TO: Honorable Marsha Ewing
Honorable Sharon Robertson
Honorable Joseph E. Smith

FROM: Thomas A. Genung, Trial Court Administrator

DATE: December 5, 2011

RE: **Administrative Order 2011-09**
2012 Baker Act Court Hearings

A handwritten signature in black ink, consisting of a large loop and a horizontal line extending to the right.

Attached please find original **Administrative Order 2011-09** for filing with the Court.

If you have any questions regarding the above, please do not hesitate to contact me.

TAG/ms
Attachment

cc w/attach: All Judges in the Nineteenth Judicial Circuit
All Magistrates and Hearing Officers in the Nineteenth Judicial Circuit
All Staff Attorneys in the Nineteenth Judicial Circuit
Honorable Bruce Colton, State Attorney's Office
Honorable Diamond Litty, Public Defender's Office
All County Attorneys in the Nineteenth Judicial Circuit
All Local Law Libraries
All Local Bar Presidents
IT

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT IN AND FOR
MARTIN, OKEECHOBEE AND ST. LUCIE COUNTIES, FLORIDA

ADMINISTRATIVE ORDER 2011 - 09.

RE: 2012 BAKER ACT COURT HEARINGS

WHEREAS Baker Act hearings for Martin County, Okeechobee County, and St. Lucie County are currently held four days per week in St. Lucie County with two hearing dates per week at New Horizons and two hearing dates per week at Lawnwood Pavilion and;

WHEREAS the St. Lucie County Clerk of Courts processes all Baker Act filings initiated by those facilities and schedules all such proceedings for hearing and;

WHEREAS representatives for Lawnwood Pavilion, St. Lucie Medical Center, New Horizons, Port St. Lucie Hospital, the State Attorney for the Nineteenth Judicial Circuit, the Public Defender for the Nineteenth Judicial Circuit, the St. Lucie County Clerk of Courts, and the St. Lucie County Sheriff have reviewed, approved, and advise they are capable of complying with the following changes to the hearing schedule for Baker Act proceedings in St. Lucie County and;

WHEREAS implementing the following changes to the Baker Act proceedings will permit such proceedings to be held in a timely manner pursuant to the requirements of Florida Statutes Chapter 394 while reducing the number of hearing dates from four days per week to two days per week and

WHEREAS it is the intent of the Nineteenth Judicial Circuit to continue to run those hearings in full compliance with the timing requirements of Florida Statutes Chapter 394 and;

In accordance with the power and authority vested in the Chief Judge pursuant to Rule 2.215, Florida Rules of Judicial Administration,

It is therefore Ordered:

1. **Hearing Times:** Hearings for all Baker Act proceedings will begin at 3:30 p.m. unless otherwise designated by the court.
2. **Hearing Days:** Hearings for Baker Act proceedings for New Horizons of the Treasure Coast and Port St. Lucie Hospital will take place beginning at 3:30 p.m. on Wednesdays at the courtroom facility located at New Horizons of the Treasure Coast. Hearings for Baker Act proceedings for Lawnwood Pavilion and St. Lucie Medical Center will take place beginning at 3:30 p.m. on Thursdays at the courtroom facility located at Lawnwood Pavilion.

3. Filing Deadlines:

New Horizons of the Treasure Coast & Port St. Lucie Hospital – Petitions for any type of Baker Act proceeding must be filed with the Clerk of Courts no later than noon on Tuesday of each week in order to obtain a hearing time on Wednesday. In the event either facility misses the filing deadline and the Clerk is unable to process the petition in time to ensure a hearing on Wednesday and a hearing is required to ensure compliance with the statutory time limits of Chapter 394, at the facility's request the Clerk may schedule the petition for hearing at the next available hearing date at Lawnwood Pavilion and the facility missing the filing deadline will be required to coordinate and transport the patient to Lawnwood Pavilion for the hearing at the date and time scheduled.

Lawnwood Pavilion & Port St. Lucie Medical Center - Petitions for any type of Baker Act proceeding must be filed with the Clerk of Courts no later than noon on Wednesday of each week in order to obtain a hearing time on Thursday. In the event either facility misses the filing deadline and the Clerk is unable to process the petition in time to ensure a hearing on Thursday and a hearing is required to ensure compliance with the statutory time limits of Chapter 394, at the facility's request the Clerk may schedule the petition for hearing at the next available hearing date at New Horizons of the Treasure Coast and the facility missing the filing deadline will be required to coordinate and transport the patient to New Horizons of the Treasure Coast for the hearing at the date and time scheduled.

Late Additions to Docket – In the event a facility misses the filing deadline and the Clerk of Courts is able to properly process the petition, but is unable to transmit the petition and Recommended Order to the Magistrate by courier in accordance with regular procedures, the Clerk may transmit the necessary documents to the Magistrate's office by e-mail and/or facsimile for hearing at the regularly scheduled time for said facility. Copies of such documents will also be transmitted to the State Attorney's office and the Public Defender's office in time for the assigned attorney to prepare for the scheduled hearing.

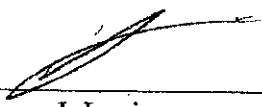
4. Holidays & Declared Emergencies:

Holidays – Each year, following the designation of court holidays by the Chief Judge of the Circuit, said dates will be reviewed for any conflict with designated hearing times for Baker Act proceedings and the court will designate such additional hearing dates as may be necessary to ensure compliance with the statutory hearing requirements of Chapter 394. These additional hearing dates will be adopted by Administrative Order and made available to all parties and the public.

Declared Emergencies – In the event of a declared emergency requiring the closure of the courts that interferes with any scheduled hearing date for Baker Act proceedings, the court will designate such additional hearing dates as may be necessary to ensure compliance with statutory hearing requirements of Chapter 394.

5. This order shall take effect on January 1, 2012.

 DONE AND ORDERED in quadruplicate at Stuart, Martin County, Florida this
day of December, 2011.



Steven J. Levin
CHIEF JUDGE