

IN THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR THE STATE OF FLORIDA

IN RE: ESTABLISHMENT OF MENTAL HEALTH COURTS /

ADMINISTRATIVE  
ORDER  
NO. 3.30

Pursuant to Article V, Section 7 of the Florida Constitution, the Chief Judge authorizes the establishment and continued maintenance of specialty Mental Health Courts in any county or counties within the Twentieth Judicial Circuit. Mental Health Courts shall be within the division of the Criminal Court (felony or misdemeanor), as may be appropriate.

In recognition of the distinct features and resources of the five individual counties of the Twentieth Judicial Circuit, Mental Health Courts are authorized, though not mandated, and the establishment and continued maintenance of Mental Health Courts is subject to policies and procedures as may be applicable to individual counties and divisions, and is subject to any Mental Health Court Program Manuals. Any such policies, procedures, and Mental Health Court Program Manuals, and the actual establishment and continued maintenance of Mental Health Courts within any county or division, is subject to the approval of the Chief Judge and/or the Chief Judge's designee.

As established, Mental Health Courts will preside exclusively over appropriate cases involving arrested persons who suffer from mental health issues. Referrals to Mental Health Courts will be considered on the basis of the facts and circumstances unique to the individual and to that individual's case or cases. All defendants identified for referral to Mental Health Courts must meet all requirements for participation set forth under applicable Florida Statutes, as well as requirements of any other controlling Mental Health Court orders and program manuals.

Entry by a qualified defendant into a Mental Health Court program shall be on a voluntary basis. However, once a qualified defendant has voluntarily agreed to participate in

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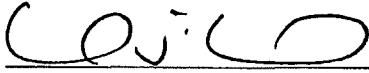
Mental Health Court, the defendant will be deemed to have accepted the requirements of the program and to have agreed that the Mental Health Court judge may order coercive sanctions, which may include (as may be applicable and authorized by law) incarceration, community service, and other coercive measures intended to motivate the defendant to overcome or address his or her mental health problems or issues.

Upon successful participation and completion of a Mental Health Court program, a defendant may, in certain cases, be permitted to withdraw his or her plea, and the State Attorney's Office may reduce or dismiss the charge or charges.

This Administrative Order supersedes any prior administrative orders relating to the establishment or maintenance of Mental Health Courts within the Twentieth Judicial Circuit.

To the extent that any provision of this Administrative Order may be construed as being in conflict with any law, statute, or rule, the law, statute, or rule shall prevail.

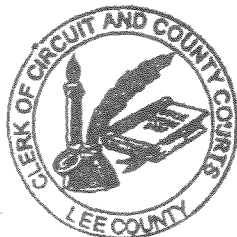
**DONE AND ORDERED** in Chambers at Fort Myers, Lee County, Florida, this 5<sup>th</sup> day of April, 2016.

  
Michael T. McHugh  
Chief Judge

History. – New.

STATE OF FLORIDA, COUNTY OF LEE  
FILED FOR RECORD  
This 7 Day of APRIL 2016 Recorded in Circuit  
Book 100 Page 31-32 and Record Verified.  
LINDA DOGGETT By [Signature]  
Clerk Circuit Court Deputy Clerk

I certify this document to be a true and correct copy of the record on file in my office, Linda Doggett, Clerk Circuit/County Court, Lee County, FL  
Dated: 4/7/16  
By [Signature]  
Deputy Clerk



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