

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

IN RE: APPOINTMENT OF PUBLIC DEFENDER TO REPRESENT RESPONDENTS IN PROCEEDINGS BROUGHT UNDER "THE FLORIDA MENTAL HEALTH ACT" OR "THE BAKER ACT")	
)	
)	ADMINISTRATIVE ORDER
)	NO. 5.2
)	
)	
)	

Pursuant to Part I of Chapter 394 of the Florida Statutes and this Court's inherent authority to administer and regulate the Courts as provided in Fla. R. Jud. Admin. 2.050, it is

ORDERED AND ADJUDGED as follows:

- Each person who is the subject of a petition for involuntary commitment filed in accordance with Florida Statute § 394.451 et seq., also known as "The Florida Mental Health Act" or "The Baker Act," is entitled to legal representation.
- Each person who is the subject of a petition brought pursuant to the Florida Mental Health Act or the Baker Act is, by operation of this order, initially deemed to be indigent upon the detention of the Respondent or the filing of a petition under the Act, whichever first occurs. All further determinations of indigency following detention shall be governed by Chapter 57 of the Florida Statutes.
- Pursuant to the spirit and intent of Florida Statute § 394.459 of the Florida Mental Health Act or the Baker Act entitled "Rights of Patients", as well as the express provisions of Florida Statute § 394.467(4), the Public Defender is hereby appointed to represent each person who is the subject of a petition brought pursuant to the Florida Mental Health Act or the Baker Act.

FILED LEE CO. FLORIDA
 CLERK OF COURTS
 2000 JUN 20 AM 10:44

Act. I CERTIFY THIS DOCUMENT TO BE A TRUE & CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE,

JUN 20 2000
 Charlie Green, Clerk Circuit Court Lee County, Florida
 BY: *[Signature]* D.C.

STATE OF FLORIDA, COUNTY OF LEE
 FILED FOR RECORD
 This 20 Day of June 2000 Record in Min
 Book 44 Page _____ and Record Verified.
 CHARLIE GREEN
 Clerk Circuit Court
 By: *[Signature]*
 Deputy Clerk

4. In the event that the Respondent is later deemed to be not indigent and not otherwise entitled to the services of an attorney pursuant to Chapter 394, the cost of such representation shall be assessed pursuant to Chapter 27 and any other applicable provision of Florida Law upon proper application to the Court.

The purpose of this order is to ensure that every person who is detained in this circuit pursuant to the provisions of Chapter 394 is represented by counsel in these proceedings.

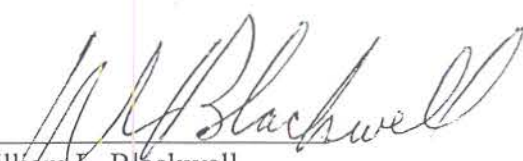
Nothing in this order shall be construed so as to prevent any person or his or her guardian from hiring private counsel to represent the respondent in any proceeding brought pursuant to the Florida Mental Health Act or the Baker Act.

If private counsel is retained at any stage of the proceedings, the Public Defender shall thereafter withdraw from representation and the appropriate stipulation for substitution of counsel shall be filed with the Court with a concomitant request for substitution of counsel by appropriate order of the Court.

In the event private counsel is retained to represent an allegedly indigent respondent and a waiver of costs is sought, counsel shall file a certificate as required by Florida Statute § 57.081(1).

DONE AND ORDERED in Chambers, at Naples, Collier County, Florida this

19 day of June, 2000.



William L. Blackwell
Chief Judge

History. - New.