

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

**ADMINISTRATIVE ORDER NO:**  
**02-36-B**

**IN RE: MENTAL HEALTH - MISDEMEANOR MENTAL HEALTH COURT**

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WHEREAS, specialized courts can enhance the expediency, effectiveness and quality of judicial administration;

WHEREAS, it is essential that a new strategy be implemented to isolate and focus upon individuals arrested for misdemeanor offenses who are mentally ill or developmentally disabled, in view of the unique nature of mental illness and developmental disability, and the need for appropriate treatment in an environment conducive to wellness and not punishment, as well as the continuing necessity to insure the protection of the public;

WHEREAS, there is a recognized need to bring defendants qualified to participate in the Mental Health Court before a judge assigned to expeditiously and efficiently move mentally ill or developmentally disabled people from an overcrowded jail system into the mental health system without compromising the safety of the public;

WHEREAS, the rapidly increasing number of misdemeanor cases involving mentally ill or developmentally disabled defendants has contributed to congested and overburdened court dockets in the county court criminal division, as well as jail overcrowding; and

WHEREAS, a centralized mental health program that utilizes available community resources and support systems will increase the efficiency of the criminal court system in this circuit and permit better access to a continuing shrinkage of mental health care services;

NOW THEREFORE, by authority vested in me as Chief Judge and pursuant to the Florida Rules of Judicial Administration, it is

ORDERED:

1. Mental Health Court shall be operational within the Brevard

County Court Criminal Division to hear cases involving defendants who are suffering from mental illness or a developmental disability and arrested for misdemeanors or criminal traffic offenses, with the exception of those charged with domestic violence, driving under the influence, and sexual offenses. However, defendants charged with domestic violence involving parents and children or siblings may be accepted into the program with the approval of the Court. Court approval will be considered upon the consent of the victim and the State Attorney and an agreement to participate by the defendant and the defendant's attorney. Defendants charged with simple battery, a violent misdemeanor, may be admitted with victim's consent. Mental Health Court may also hear cases in which a defendant is charged with a violation of county court probation with the consent of the county court judge of the criminal division to which the case is assigned.

2. Referrals into the program may be made *sua sponte* by any court, by Court Services, by the Forensic Program at the Brevard County Jail, the State, the defense attorney, law enforcement, mental health providers, or any other interested person. The criterion for admittance into the program requires diagnosis by a mental health expert of (a) a current Axis I mental illness including Schizophrenia, Bi-polar Disorder, Recurrent Major Depressive Disorder, Post-Traumatic Stress Disorder, or other psychotic disorders of an unspecified nature or (b) a developmental disability as defined in Section 393.063(12), Florida Statutes.
3. Upon defendant's diagnosis of a current Axis I mental illness or developmental disability by a mental health expert, and the assigned judge's determination that the defendant is mentally ill or developmentally disabled and after approval of the parties set forth above, the Mental Health Court Judge shall enter an order transferring the case to Mental Health Court and directing the Clerk to place the case or cases, including any traffic criminal cases involving the accepted defendant, on the Misdemeanor Mental Health Court docket.
4. Prior to the Mental Health Court Judge transferring the case to the Mental Health Court docket, the defendant must enter a written waiver of speedy trial.
5. The case shall be transferred back to the original criminal division if a defendant fails, for any reason, to successfully participate and complete the Mental Health Court program and the defendant's right to a speedy trial may be reinstated upon a written demand.

6. Defendants who are accepted for participation in the Mental Health Court, and who voluntarily agree to participate in the Mental Health Court, shall, at the discretion of the State Attorney, enter into a Deferred Prosecution Agreement, unless charged with a violation of county probation. Additionally the court will enter an Order transferring the defendant's case(s) into the Mental Health Court as a court event.
7. Defendants accepted into the Mental Health Court will attend weekly court hearings as ordered by the court, based on each defendant's needs. After the defendant's acceptance into the Mental Health Court, the defendant will participate in continued assessment and treatment and engage in discharge planning. The defendant's participation will end upon the successful completion of the discharge plan. The charges will be then dismissed by the State Attorney or the violation of probation will be dismissed by the Mental Health Court judge.
8. The public is entitled to access to judicial records, however, patient treatment records are an exception to this rule and are deemed confidential by Florida law. See sections 395.3025 (7), and 393.13, Florida Statutes (central records of clients who are determined to be eligible by the Department of Children and Family Services for development services). In the event a treatment record or report is placed in the court file of a Mental Health Court participant, the court will determine whether such report is a confidential patient record, exempt under Florida law from public access, and if the court finds the record is exempt the court will seal the document and mark the envelope with the date, description, and author of the document, whereupon access to the document will be limited to those authorized under Section 395.3025 and 393.13, Florida Statutes, or by court order.

DONE AND ORDERED, this 16th day of December, 2002.

BRUCE W. JACOBUS  
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CHIEF JUDGE

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