

IN THE CIRCUIT COURT OF THE 16TH
JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA IN AND FOR MONROE
COUNTY

ADMINISTRATIVE ORDER 6.007
AMENDED 97-1

IN RE:

APPOINTMENT OF SPECIAL
MASTER FOR INVOLUNTARY
COMMITMENT HEARINGS

WHEREAS, pursuant to Chapter 394, the Court is authorized to appoint a master to preside at hearings regarding involuntary placement; and

WHEREAS, the prompt and efficient administration of justice requires a special master to be available to preside at hearings regarding involuntary placement; the Sixteenth Judicial Circuit institutes the following procedure regarding commitment hearings:

1. All involuntary commitment hearings pursuant to F.S. 394.467 actions in the lower keys will be heard by Judge Jones and middle/upper keys cases will be heard by Judge Shea.
2. Upon filing of Petition for Involuntary Placement by treatment facility pursuant to F.S. 394.467, the clerk of the court shall provide copies to the Department of Children and Family Services, the patient's guardian or representative, and the state attorney and public defender of the 16th Judicial Circuit;
3. Within one (1) working day after the filing of the petition, the Court shall appoint the public defender to represent the person who is the subject of the petition, unless the person is otherwise represented by counsel. The Clerk of the Court shall immediately notify the public defender of this appointment. Any attorney representing the patient shall have access to the patient, witnesses, and records relevant to the presentation of patient's case.
4. The Court shall hold a hearing on involuntary placement within 5 days, unless a continuance is granted. The hearing shall be conducted according to the requirements of F.S. 395.467. The Court may appoint a master to preside at this hearing. Such an appointment of master shall become effective upon written consent of the State Attorney and Public Defender (if appointed) or other attorney of record. Thereafter the master shall conduct the hearing in accordance with Rule 1.490 of the Rules of Civil Procedure. The master shall

file a report of the hearing and serve copies of same on the parties. The parties may serve exceptions from the time it is served on them. If no exceptions are filed the court shall take appropriate action on the report. If exceptions are filed, they shall be heard on reasonable notice by either party. See: Florida Rules of Civil Procedure, Rule 1.490 (f) (g) (h).

WHEREFORE, pursuant to the authority conferred by Rule 2.500(b), Florida Rules of Judicial Administration, it is

ORDERED, that Calvin Josphe Allen, Esq. is authorized for appointment by the presiding judge of the Lower Keys Probate and Guardianship Division to preside at hearings regarding involuntary placement under F.S. §394. The Court will appoint Mr. Allen on a case-by-case basis as needed which shall be initiated upon order of the presiding circuit judge.

Said Special Master, once appointed, shall also be authorized to conduct Chapter 394 hearings at Depoo Hospital, Key West, Monroe County, Florida.

DONE AND ORDERED, at Key West, Monroe County, Florida, this the 31 day of January, 1997.

Richard G. Payne
Chief Judge