

IN THE CIRCUIT COURT OF THE
____ JUDICIAL CIRCUIT,
IN AND FOR _____
COUNTY, FLORIDA.

STATE OF FLORIDA,

Plaintiff,

vs.

CASE NO.: _____

_____,

Defendant.

_____/

ORDER TO TRANSPORT AND NOTICE OF HEARING

THIS COURT having been noticed by the Florida Department of Children and Families (hereinafter referred to as the "Department"), by and through the Administrator of _____ (hereinafter referred to as the "Facility"), that the above-named Defendant is competent to proceed, or otherwise no longer meets criteria for commitment under Chapter 916, Fla. Stat., the Defendant should be returned for a hearing on the issues raised in the notice from the Facility, and pursuant to applicable Florida laws and rules of criminal procedure

It is hereby

ORDERED AND ADJUDGED as follows:

1. Section 916.13(2)(c), Fla. Stat., requires that upon receiving notification that the Defendant is restored to competency the Court shall hold a hearing within 30 days of said notice and, likewise, that the Defendant must be transported for said hearing. See also Jackson v. State, 880 So.2d 1241 (Fla. 1st DCA 2004). Section 916.13(2)(c), Fla. Stat., also requires that "if the defendant is receiving psychotropic medication at a mental health facility at the time he or she is discharged and

transferred to the jail, the administering of such medication must continue unless the jail physician documents the need to change or discontinue it. The jail and department physicians shall collaborate to ensure that medication changes do not adversely affect the defendant's mental health status or his or her ability to continue with court proceedings; however, the final authority regarding the administering of medication to an inmate in jail rests with the jail physician."

2. That upon receipt of this Order, the Sheriff of _____, County, Florida, or designee, shall, forthwith, resume custody of, and deliver the Defendant to the appropriate detention facility under the jurisdiction of this Court within 10 days of receipt of this order; and further, shall present the Defendant before this Court for a hearing on the issues raised in the Administrator's report at _____ o'clock, ____ m., _____, the _____ day of _____, 2021. The Defendant shall not remain at the Facility pending the above scheduled hearing.

3. If continued medication of this Defendant is required, provided or prescribed by the state mental health treatment facility, appropriate officials of the detention facility where the defendant is to be held shall administer or cause to be administered the medication to the defendant as required by law. The Defendant's medication shall continue to be administered unless and until modified or eliminated by competent and authorized medical authority. The detention facility shall not consider any supply of medication provided by the state mental health treatment facility to be contraband. If the defendant refuses medication while incarcerated, the detention facility shall immediately notify the committing court so the issue may be dealt with at a hearing. Continued medication, if needed, is key to the Defendant maintaining his or her competence to proceed in this matter.

4. That two certified copies of this Order shall be delivered forthwith to the Sheriff of _____ County, Florida, or designee, one to be presented to

officials of the Facility at the time they deliver custody of the Defendant to the officials of the Sheriff or designee.

5. That the Sheriff of _____ County, Florida, or designee shall, prior to the execution of this Order, give a minimum of *twenty-four* hours-notice unto the Facility by calling and notifying the Facility's Information Services Department of their intent to resume custody of the Defendant in the above-styled cause.

DONE AND ORDERED this _____ day of _____, 2021.

CIRCUIT JUDGE

cc: Clerk of the Court, Criminal Division
Office of the State Attorney
Counsel for the Defense
Community Health Care Coordinator
Office of the Sheriff of _____ County, Florida, or designee

(Insert correct "Facility" info here)