

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

STATE OF FLORIDA

vs.

Case No.(s):

Defendant

Division:

_____ /

ORDER ADJUDGING DEFENDANT INCOMPETENT TO PROCEED
AND
COMMITMENT TO DEPARTMENT OF CHILDREN AND FAMILIES

THIS CAUSE having come to be heard before the Court, and the questions of the competency of the Defendant in this cause to proceed having been raised in accordance with the provisions of Rule 3.210(b), Fla. R. Crim. P., the Court, pursuant to s. 916.115, Fla. Stat., and Rule 3.210(b), Fla. R. Crim. P., appointed

_____, _____, and

_____ to examine the Defendant and to report to the Court on whether the Defendant is competent to proceed and, if not, to report on any recommended treatment for the Defendant to attain competence to proceed. The court having received:

___ the written reports

___ the oral testimony

___ both written reports and oral testimony

of the above-named experts and others in relation to the issue of the Defendant's competency to proceed and need for treatment, the court hereby makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACTS

- 1.
- 2.
- 3.

CONCLUSIONS OF LAW

A. The Defendant is incompetent to proceed due to the Defendant's mental illness as defined in s. 916.106(13), Fla. Stat.

B. The Defendant is incompetent to proceed with

___ pre-trial hearings

___ entry of a plea

___ the trial of the case

___ sentencing

___ violation of probation or community control proceedings

___ hearings on issues regarding a Defendant's failure to comply with court orders or conditions

___ other matters where the mental competence of the Defendant is necessary, i.e. _____

C. The Defendant, who is incompetent to proceed, is presently charged with a felony.

D. The Defendant meets the criteria for involuntary placement with the Department of Children and Families as provided in s. 916.13(1), Fla. Stat.

To wit:

(1). The Defendant is manifestly incapable of surviving alone or with the help of willing and responsible family or friends, including available alternative services, and, without treatment, the Defendant is likely to suffer from neglect or refuse to care for herself or himself and such neglect or refusal poses a real and present threat of substantial harm to the Defendant's well-being; and,

(2). There is a substantial likelihood that in the near future the Defendant will inflict serious bodily harm on herself or himself or another person, as evidenced by recent behavior causing, attempting, or threatening such harm.

E. There are no available, less restrictive alternatives, including treatment in community residential facilities or community settings, which would offer an opportunity for improvement of the Defendant's condition, which are appropriate.

F. There is a substantial probability that the mental illness causing the Defendant's incompetence will respond to treatment and the Defendant will regain competency to proceed in the reasonably foreseeable future.

Based upon the FINDINGS OF FACTS and CONCLUSIONS OF LAW, it is ORDERED AND ADJUDGED that:

1. The Defendant is incompetent to proceed due to the Defendant's mental illness as defined in s. 916.106(11), Fla. Stat., and all further proceedings are hereby stayed.

2. The Defendant is hereby committed to the Department of Children and Families.

3. The Defendant meets the criteria for commitment to a treatment facility of the Department of Children and Families as provided in s. 916.13(1), Fla. Stat., and is hereby committed to the Department of Children and Families to be placed in a mental health treatment facility pursuant to s. 916.13(2), Fla. Stat.

4. The Clerk of the Court is directed to forthwith forward a certified copy of this Order along with copies of any written reports submitted to this Court by experts appointed by the Court relating to the issues of competency and need for treatment; copies of any other psychiatric, psychological or social work reports submitted to the court relative to the mental state of the Defendant; and a copy of the charging instrument and all supporting affidavits or other documents used in the determination of probable cause to the following email address:

DCF.Adult.Forensic.Admissions@myflfamilies.com

or alternatively to:

Forensic Admissions Coordinator
Department of Children and Families
Mental Health Treatment Facilities Policy and Programs
1317 Winewood Boulevard Room 313
Tallahassee, FL 32399-0700

5. Upon notification of an admission date by the Department of Children and Families, the Sheriff of _____ County shall, on the date specified, forthwith transport and deliver the Defendant to a treatment facility designated by the Department, together with a certified copy of this Order and the other documentation outlined in paragraph 4. above.

6. The Department, through the Administrator of the facility to which the Defendant is admitted, shall report directly to this Court, with copies to the attorneys for the State and the Defense on the issues of competency to proceed and the need for continued commitment as provided in s. 916.13(2), Fla. Stat., and in Rule 3.212 (5), Fla. R. Crim. P.

7. In the event the Defendant's presence is required at any hearings in this cause, this Court shall issue an Order to Transport, directing the Sheriff of _____ County, or his designee to resume custody of and transport the Defendant back to the jurisdiction of this Court.

8. In the case of those Defendant's found incompetent to proceed with the trial of the case, the requirements of Rule 3.191, Fla. R. Crim. P., are hereby temporarily suspended.

9. This Court retains jurisdiction in this cause, pursuant to s. 916.16, Fla. Stat., and the Defendant shall not be discharged or released from commitment within the Department of Children and Families without further Order of this Court.

DONE AND ORDERED at _____, _____
County, Florida, this _____ day of _____, 20____.

CIRCUIT JUDGE

Copies furnished to:

Office of the State Attorney
Public Defender or Private Defense Counsel _____
(insert name)
Department of Children and Families
Mental Health Treatment Facilities Policy and Programs (certified)
Office of the Sheriff