

**THE ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA**

**CASE NO. 17-1
(Court Administration)**

**ADMINISTRATIVE ORDER
NO. 17-04**

**IN RE: AUTHORIZING THE USE OF
VIDEOCONFERENCING TECHNOLOGY
FOR MEDICAL PERSONNEL IN BAKER
ACT CASES AND SETTING LOCATION
OF BAKER ACT AND INVOLUNTARY
TREATMENT HEARINGS.**

WHEREAS, as illustrated in Exhibit A (attached), this Court's involuntary placement docket under Chapter 394, Florida Statutes (The Baker Act), has increased from 2,168 cases in 2002 to 3,971 cases in 2016; yet this Circuit continues to have only one probate general magistrate to hear these and other mental health cases; and

WHEREAS, Section 394.467(6)(a)1, Florida Statutes, requires "[t]he court [to] hold the hearing on involuntary inpatient placement within 5 court working days, unless a continuance is granted"; and

WHEREAS, Section 394.467(6)(a)2, Florida Statutes, states, in pertinent part, that, "[e]xcept for good cause documented in the court file, the hearing must be held in the county or the facility, as appropriate, where the patient is located, must be as convenient to the patient as is consistent with orderly procedure, and shall be conducted in physical settings not likely to be injurious to the patient's condition"; and

WHEREAS, Section 916.107(3)(a)3, Florida Statutes, states, in pertinent part, that an involuntary treatment "hearing shall be as convenient to the client as may be consistent with orderly procedure and shall be conducted in physical settings not likely to be injurious to the client's condition"; and

WHEREAS, as noted in the "Consumer and Family Resource Manual" of the South Florida Behavioral Health Network, Inc., and Florida's Department of Children and Families (available at: <http://sfbhn.org/wordpress/wp-content/uploads/Consumer-Family-Resource-Manual-English.pdf>), Miami-Dade County has seventeen designated Baker Act receiving facilities located between Aventura and Homestead; and

WHEREAS, in 2007 (available at: https://www.miamisao.com/publications/grand_jury/2000s/gj2007f.pdf) and 2009 (available at: <https://www.miamisao.com/publications>

/grand_jury/2000s/gj2009s.pdf), the Final Reports of the Miami-Dade County Grand Jury recommended this Court consider using videoconferencing technology to conduct Baker Act hearings, especially to receive testimony of distant witnesses; and

WHEREAS, since 2014 and with the consent of all parties involved pursuant to Florida Judicial Administration Rule 2.530, this Circuit has successfully operated a pilot program in which participating medical personnel can testify at Baker Act hearings via videoconferencing technology, which only involves witnesses appearing remotely; and

WHEREAS, in Doe v. State, SC16-1852 (May 11, 2017), the Florida Supreme Court stated that “[s]hould courts wish to implement and utilize new technology, then, at the very least, policies and procedures for such use should be adopted through a formal administrative order, subject to certiorari review in the appellate courts”; and

WHEREAS, in an effort to conserve both judicial and medical resources and promote an efficient determination of mental health actions, it has been determined the aforementioned pilot program should continue.

NOW, THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, under Rule 2.215, Florida Rules of Judicial Administration, it is hereby **ORDERED** the following procedures shall be in place:

1. All Baker Act hearings will be heard at Jackson Behavioral Health Hospital, a facility within this county. See § 394.467(a) 2, Fla. Statutes.
2. All involuntary treatment hearings under Chapter 916, Florida Statutes, shall be held at the Richard E. Gerstein Justice Building.
3. Medical professionals currently permitted to testify at Baker Act hearings through videoconferencing technology shall continue to utilize this Circuit’s pilot program. The appropriate administrative judge(s) shall review the participation rates of these professionals and meet, as needed, with all relevant parties to determine if any changes to this program should be made.

This Administrative Order shall become effective immediately upon execution and shall remain in effect until further order of the Court.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, on the 30th of June, 2017.

**BERTILA SOTO, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**

MIAMI-DADE COUNTY INVOLUNTARY PLACEMENT (BAKER ACT) CASES

MONTH	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
JANUARY	195	206	184	191	195	236	240	272	236	236	292	388	353	307	334	332
FEBRUARY	156	217	216	198	190	232	269	228	234	255	329	304	311	341	325	315
MARCH	155	186	219	207	213	225	265	284	264	265	334	304	379	377	386	348
APRIL	202	186	223	208	189	237	266	244	282	300	335	381	359	391	300	275
MAY	209	193	178	231	227	230	226	262	228	312	362	345	344	316	320	
JUNE	180	186	208	197	197	206	238	297	273	262	348	307	374	345	375	
JULY	178	212	187	218	216	255	265	244	261	288	340	354	336	362	294	
AUGUST	183	177	198	239	217	249	228	246	270	308	375	343	347	340	350	
SEPTEMBER	209	234	161	188	218	198	255	285	268	288	309	284	342	340	346	
OCTOBER	191	162	181	204	249	251	289	287	241	329	343	371	389	337	301	
NOVEMBER	147	159	189	211	225	234	205	227	249	288	299	315	286	315	307	
DECEMBER	163	205	188	216	209	237	274	257	280	324	323	382	349	292	333	
TOTALS	2,168	2,323	2,332	2,508	2,545	2,790	3,020	3,133	3,086	3,455	3,989	4,078	4,169	4,063	3,971	1,270

* These figures include involuntary placement petitions as well as Writs of Habeas Corpus filings.

* Updated on May 23, 2017