

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT  
IN AND FOR LAKE COUNTY, FLORIDA**

**ADMINISTRATIVE ORDER L-2017- 37**

**ORDER ESTABLISHING PROCEDURES FOR THE CONDUCT OF MENTAL  
HEALTH HEARINGS FOR PRISONERS AT LAKE CORRECTIONAL INSTITUTION**

**WHEREAS**, Lake Correctional Institution in Clermont, Florida, is a Department of Corrections Mental Health Treatment Facility as defined in section 945.42, Florida Statutes; and

**WHEREAS**, the circuit court in Lake County, Florida is required to conduct hearings on the placement of prisoners in the Lake Correctional Institution Mental Health Treatment Facility pursuant to section 945.43, Florida Statutes, and the involuntary treatment of such prisoners pursuant to section 945.48, Florida Statutes, as well as the involuntary commitment to a mental health facility or hospital of certain prisoners who are near the end of their sentences pursuant to section 394.467, Florida Statutes("the Baker Act"); and

**WHEREAS**, it is necessary for the court to establish uniform procedures as to how those hearings shall be conducted; and

**WHEREAS**, the Florida Supreme Court has recently addressed the proper procedures for circuit courts to conduct Baker Act hearings so that the individual who is subject to such a proceeding is physically present in a court-like setting in the presence of the judge, counsel and witnesses (John Doe v. State of Florida, 217 So. 3d 1020 (Fla. 2017)); and

**WHEREAS**, the court has determined that since they are already incarcerated serving prison sentences, the prisoners who are subject to placement or involuntary treatment in the Department of Corrections Mental Health Facility are not faced with the same deprivation of liberty interests as those who are subject to involuntary commitment proceedings under the Baker Act; and

**WHEREAS**, Lake Correctional Institution has no secure facility with a court-like setting within which to conduct these hearings, and there is a substantial risk to the safety of the public, staff and court personnel and great additional expense to the State to transport prisoners from Lake Correctional Institution to the Lake County courthouse for placement or involuntary treatment hearings; and

**WHEREAS**, section 945.43 permits such hearings to be conducted as informally as is consistent with an orderly procedure and envisions such hearings to be conducted by electronic means; and

**WHEREAS**, the circuit court in Lake County and Lake Correctional Institution have established the use of communication equipment which allows hearings to be conducted by the use of such communication equipment, including videoconferencing; and

**WHEREAS**, it is necessary for the efficient administration of justice, it is therefore,

**ORDERED** as follows:

1. Except by the express stipulation of all parties, all hearings on petitions for involuntary commitment under the Baker Act for prisoners housed at Lake Correctional Institution shall be conducted at the Lake County Courthouse in Tavares, Florida, in the manner provided by law. Such hearings shall be conducted in a courtroom with the judge or presiding magistrate, the assistant State Attorney, counsel for the prisoner, and all witnesses personally present. All hearings shall be recorded electronically or by a court reporter.

2. All hearings on petitions for the placement of prisoners in the Lake Correctional Institution Mental Health Treatment Facility pursuant to section 945.43, Florida Statutes, and the involuntary treatment of such prisoners pursuant to section 945.48, Florida Statutes shall be conducted as follows:

a. All hearings shall be held by videoconference, unless the presiding judge or magistrate determines otherwise. The court and Lake Correctional Institution shall assure that the electronic communication equipment is in place and in good working order so that such hearings may be effectively carried on by videoconference.

b. The presiding judge or magistrate shall be present in the Lake County courthouse to conduct the hearing by videoconference. The prisoner shall be present at Lake Correctional Institution and shall participate in the hearing by videoconference. Counsel for the prisoner, counsel for the Department of Corrections, and any testifying witness may attend the hearing by videoconference at either the Lake County Courthouse or Lake Correctional Institution. The proceedings shall be conducted so as the prisoner can see and hear the presiding judge or magistrate, counsel, and all testifying witnesses.

c. All hearings shall be recorded electronically or by a court reporter.

d. The attendance of the prisoner at the hearing may be waived by the court in the manner provided by law.

**DONE AND ORDERED** in chambers at Tavares, Lake County, Florida, this 27 day of July, 2017.

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Lawrence J. Semento  
Administrative Judge, Lake County