

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

ADMINISTRATIVE ORDER H-2018-23

**ADMINISTRATIVE ORDER
REGARDING THE MENTAL HEALTH COURT DIVISION
IN HERNANDO COUNTY AND
RESCINDING ADMINISTRATIVE ORDER H-2015-55**

WHEREAS, pursuant to Chapter 394, Florida Statutes, known as "Florida Mental Health Act", the Legislature encouraged the creation of Mental Health Court programs to coordinate the shared needs of adults who have a mental illness and who are in, or at risk of entering, the criminal justice system; and

WHEREAS, Hernando County will receive funds from the defendant to assist in the cost of providing such services and will seek additional funding sources; and

WHEREAS, Hernando County will require the assistance of the Court to provide the necessary services pursuant to contractual obligations; and

WHEREAS, a separate criminal division with misdemeanor and felony cases is required to assist in the referral and oversight of certain eligible individuals for mental health treatment and support toward the goal of preventing crime; and

WHEREAS, Chapter 394, Florida Statutes, in its entirety, establishes the provision of mental health services within the State of Florida; and,

WHEREAS, the procedures outlined herein are necessary for the efficient administration of justice; therefore,

IT IS HEREBY ORDERED that:

1. A Problem-Solving Court is hereby created in Hernando County as a separate criminal division including misdemeanor and felony cases, which shall be known as "Mental Health Court," to preside over and oversee cases involving individuals with mental illness.
2. Mental Health Court shall consist of eligible cases from the other Criminal Divisions for possible referral to mental health treatment, oversight, and support. The mission statement, eligibility criteria, treatment format, and procedures for referral to Mental Health Court shall be set out in a document separate from this Order.
3. Circuit Judge Donald E. Scaglione is hereby assigned to preside over the Hernando County Mental Health Court. Other judges in Hernando County may be assigned to temporarily preside over the Hernando County Mental Health Court when necessary. Any county court judge

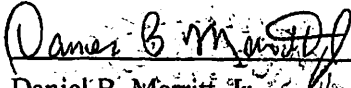
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temporarily presiding over the Hernando County Mental Health Court is hereby appointed to act as a circuit judge of the Fifth Judicial Circuit. Any circuit judge presiding over the Hernando County Mental Health Court is hereby appointed to act as a county judge of Hernando County.

4. All defendants assigned to this program must agree to comply with all requirements. Certain persons on conditional release either awaiting trial or resulting from a finding of "not guilty by reason of insanity" (NGI), may be ordered into Mental Health Court supervision with appropriate mandated requirements.
5. All participants in the Hernando County Mental Health Court program shall be required to pay a fee of \$25.00 per month (or any part thereof) through the duration of the program as directed by the Court Operations Manager, unless waived or adjusted by the Judge presiding over the Mental Health Court program. No other individual is authorized to waive any portion of the fees assessed herein.
6. There is no refund policy for any funds paid by participants of this program, regardless of the individual's successor termination from the program.
7. The Clerk of the Court is authorized to accept any participation fees collected pursuant to this Administrative Order, these funds shall be remitted as follows: 1242 Fund, 3489902 revenue account.
8. If the defendant's participation in the program is terminated for cause, the defendant shall be terminated from the Mental Health Court program and sentenced accordingly by the Mental Health Court Judge; or the defendant may be referred back to the regular assigned criminal court Judge, as appropriate.
9. All hearings conducted pursuant to this Administrative Order shall be recorded electronically or by a court reporter.
10. This program is created and shall be maintained subject to the availability of adequate funding.
11. This Order shall be effective immediately upon approval and shall apply to all pending and future cases before the Court in and for Hernando County.

IT IS FURTHER ORDERED that Administrative Order H-2015-55 is hereby **RESCINDED**.

DONE AND ORDERED in Chambers, in Brooksville, Hernando County, Florida, this 19th day of July 2018


Daniel B. Merritt, Jr.
Administrative Judge
Hernando County

