

THE EIGHTH JUDICIAL CIRCUIT OF FLORIDA
ADMINISTRATIVE ORDER NO. 7.13

**PROCEDURES FOR INVOLUNTARY COMMITMENT
OF SEXUALLY VIOLENT PREDATORS**

The “Jimmy Ryce Involuntary Civil Commitment for Sexually Violent Predators’ Treatment and Care Act,” codified at §§ 394.910- 394-930, Fla. Stat. (1999), sets forth requirements that must be followed when processing cases involving sexually violent predators (“Jimmy Ryce cases”). This order provides for supplementary uniform procedures and presumes that all statutory procedures not addressed herein will be followed. Although Jimmy Ryce cases are Mental Health in nature, administration through the Felony Criminal Divisions will make more efficient use of judicial resources, since the State Attorney’s Office and Public Defender’s Office litigate these cases. It is therefore

ORDERED that the following procedures shall be observed for all Jimmy Ryce Act cases:

1. When the state attorney files a petition with the circuit court to declare a person a sexually violent predator, it shall be filed as a Mental Health case in the Probate Division in the county having jurisdiction. The case shall be assigned to the appropriate criminal division according to the current General Assignment of Judges Order and the Clerk of Court shall be responsible for including these cases on the assigned division’s dockets.
2. The state attorney shall immediately notify the appropriate judge that a petition has been filed. Within fifteen days of receipt of the petition, the court shall review the petition and make a determination whether probable cause exists to believe that the person named in the petition is a sexually violent predator. If the court determines that no probable cause exists, then an order denying the petition shall be entered. If the court determines that probable cause exists, then the court shall enter an order:
 - finding probable cause;

- directing that upon expiration of the person’s incarcerative sentence, the person shall remain in custody and be immediately transported by the Department of Children and Families to a facility designated by the Department of Children and Families; and
 - schedule the case for case management and pretrial such that a trial may be held within thirty days of the determination of probable cause, unless the respondent waives the right to be tried within thirty days, and order that the person be transported by the Department of Children and Families to the trial or other court proceedings as may be ordered by court.
 - make a preliminary determination that the respondent is indigent and appoint the public defender to represent the respondent. The respondent’s incarceration shall be a rebuttable presumption of indigence.
3. If the respondent’s incarcerative sentence expires, but before the respondent has been released, the court shall conduct an adversarial probable cause hearing. *See In Re Young*. 122 Wash.2d 1,857 P.2d 989 (Wash.1993). The court shall only consider whether to have an adversarial probable cause hearing in cases where the failure to begin a trial is not the result of any delay caused by the respondent.
 4. At the first court event at which the respondent appears, the court shall make a final determination of indigence of the respondent.
 5. When an order of involuntary commitment has been entered, the Clerk of Court shall notify the Court when the case is due for an annual review by the Department of Children and Family Services based on the anniversary date of the order involuntarily committing the person.
 6. Transportation of the respondent shall be provided by the Department of Children and Families.
 7. The Court Reporting branch of Court Administration shall be responsible for attending

and recording all proceedings with these cases and shall transcribe any such proceeding as requested by the court.

8. Notice of proceedings will be provided in the same manner as other civil cases.
9. When the Public Defender certifies a conflict in a Jimmy Ryce Act case, a conflict attorney shall be appointed. The conflict attorney shall be paid at the rate of \$75 per hour for in court and out of court time, which will include travel time to and from the facility in which the respondent is housed. Attorney travel expenses shall be reimbursed according to the provisions of Chapter 112 of the Florida Statutes. Specific Appropriation 2670B of the General Appropriation Act of FY 2000/01 authorizes \$250,000 to compensate court appointed attorneys in Sexually Violent Predator Civil Commitment (Jimmy Ryce Act) conflict cases and on July 2000, the Office of the State Courts Administrator (OSCA) became responsible for the compensation of these court appointed attorneys. Conflict attorneys must comply with the following payment process: (a) Complete a Professional Services Agreement between the Office of the State Courts Administrator and the attorney, (b) An OSCA review of the attorney's motion for payment will be required before submission to the court. This review will insure that the requested fees are consistent with locally approved fee schedules. It will also insure compliance with the requirements of section 215.422 of the Florida Statutes and the provisions of Chapter 112 of the Florida Statutes that relate to travel. The provisions of this section shall also apply to all conflict attorneys representing respondents in Jimmy Ryce proceedings as of the date of this order.
10. This order amends Administrative Order 6.300, entitled Procedures for Involuntary Commitment of Sexually Violent Predators, dated August 14, 2000.

This order renumbers and reformats prior Administrative Order No. 6.300(A) entitled "Procedures for Involuntary Commitment of Sexually Violent Predators."

ORDERED ON this 5th day of October, 2012 *nunc pro tunc* November 22, 2000.

A handwritten signature in blue ink, appearing to read "Robert E. Roundtree, Jr.", written over a horizontal line.

Robert E. Roundtree, Jr., Chief Judge