

**IN THE SECOND JUDICIAL CIRCUIT
OF FLORIDA**

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER 2022-01

IN RE: LEON COUNTY BAKER ACT AND MARCHMAN ACT COURT PROCEEDINGS

WHEREAS, the Secretary of the United States Department of Health and Human Services renewed the determination that a public health emergency exists in the United States effective as of October 18, 2021.

WHEREAS, due to increasing new COVID-19 variant cases throughout the nation, the Centers for Disease Control and Prevention (CDC) revised its health guidance for vaccinated and unvaccinated persons on July 27, 2021.

WHEREAS, Florida Supreme Court Administrative Order AOSC21-17, Amendment 2, section II.E.(2) b., effective November 15, 2021, required “[h]earings to determine whether an individual should be involuntarily committed under the Baker Act or the Marchman Act must be conducted in person unless that individual waives the right to physical presence at the hearing.”

WHEREAS, Florida Supreme Court Administrative Order AOSC21-17, Amendment 3, effective January 8, 2022, was issued “to address the most recent developments and continue to mitigate the effects of the public health emergency on the Judicial Branch and its participants during and after the emergency, this amended order is issued to extend the previously enacted temporary health and safety protocols and to modify or extend the previously enacted emergency operational procedures.”

WHEREAS, AOSC21-17, Amendment 3, amended section II.E.(2) b., relating to the conduct of court proceedings under the Baker Act or Marchman Act, provided an additional exemption for in person proceedings where “the facility in

which the individual is located is closed to hearing participants due to health and safety measures implemented by the facility for the pandemic...”.

WHEREAS, the Leon County facilities for Baker Act patients includes the Tallahassee Memorial Behavioral Health Center, Capital Regional Medical Center, and the Apalachee Center, however, in person Baker Act and Marchman Act court proceedings are only held at the Apalachee Center.

WHEREAS, a new administrative order should establish new, temporary health and safety protocols and emergency operational measures and extend and modify previously enacted temporary emergency operational measures for purposes of mitigating the effects of the public health emergency on the Second Circuit and its participants during and after the emergency.

By the authority of Rule 2.215, Florida Rules of General Practice and Judicial Administration, and ASOC21-17, Amendment 3, it is therefore **ORDERED** that:

Second Circuit Administrative Order 2021-05, paragraph III.B.(2)c. providing for Baker and Marchman Act court proceedings to be temporarily held at the Leon County Courthouse until adequate and secure space is identified and prepared at the Apalachee Center facility is rescinded.

Effective November 15, 2021, Second Circuit Administrative Order 2021-05, First Amendment, paragraph III.B.(2)c. authorizing remote Baker and Marchman Act proceedings was superseded by ASOC21-17, Amendment 2. Thereafter, in person court proceedings immediately began at the Apalachee Center facility as adequate and secure space was then deemed to be available.

Effective January 8, 2022, AOSC21-17, Amendment 3, amended section II.E.(2) b., adding an additional exception for suspending in person court proceedings under the Baker Act or Marchman Act as follows:


“Hearings to determine whether an individual should be involuntarily committed under the Baker Act or the Marchman Act must be conducted in person unless the facility in which the individual is located is closed to hearing participants due to health

and safety measures implemented by the facility for the pandemic or the individual waives the right to physical presence at the hearing.”

Effective January 13, 2022, the Apalachee Center requested the Second Circuit allow Baker and Marchman Act cases to be conducted remotely as the hospital was closed to visitors to help lessen the spread of COVID-19.

Finding the other Leon County facilities in which individuals are located are without adequate and secure space for in person court proceedings, Baker Act and Marchman Act court proceedings will be conducted remotely until the Apalachee Center notifies the Second Circuit it is once again open to the public.

DONE and ORDERED in chambers in Tallahassee, Leon County, Florida, this 25th day of January 2022.



JONATHAN SJOSTROM
Chief Judge

Copies furnished to:

- All Circuit and County Judges, Second Circuit
- State Attorney, Second Circuit
- Public Defender, Second Circuit
- All Clerks of the Circuit Court, Second Circuit
- All Sheriffs, Second Circuit
- Local Bar Associations
- Office of Court Administration, Second Circuit

