

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 4.911

IN RE: MISDEMEANOR COMPETENCY DIVISION "T2"  
\_\_\_\_\_ /

Persons charged with misdemeanor charges who have a mental illness, intellectual disability, autism, or traumatic brain injury that affects their ability to understand the court process may require specialized management through the criminal justice system and may require mental health evaluations to determine if they are competent to face their criminal charges. The Misdemeanor Competency Division (also referred to as Division "T2") was created to allow a dedicated judge to address these defendants with the assistance of enhanced case management services. A Misdemeanor Competency Division Team is comprised of the Division "T2" Judge, Assistant State Attorney(s) assigned to Division "T2", Assistant Public Defender(s) Assigned to Division "T2" and the Court Administration Case Manager.

**NOW, THEREFORE**, pursuant to the authority conferred by Florida Rule of General Practice and Judicial Administration 2.215, it is **ORDERED** as follows:

**A. ELIGIBILITY**

A case is eligible for transfer to the Misdemeanor Competency Division if:

1. The defendant is charged with a misdemeanor, and
2. There has been:
  - a. A written motion or order with agreement of parties filed alleging that the defendant is incompetent to proceed due to mental illness, intellectual disability, autism, or traumatic brain injury.
  - b. A felony case for Defendant already assigned to Division T.

**B. PROCEDURES PRIOR TO AND AFTER TRANSFER OF CASES**

1. When the issue of competency arises in a misdemeanor case, the parties shall file a motion or an agreed order to have the case transferred to the Competency Division. The Divisional Judge hears the motion and, if granted, signs an order or an agreed order Reassigning Case to Division "T2". The attorney or party shall email a copy of the signed order transferring the case to Division "T2" to the Misdemeanor Competency Division "T2" Judicial Assistant and the Court Administration Case Manager for Criminal and Mental Health.

2. The Clerk of the Circuit Court and Comptroller shall docket the Order to Transfer and, shall update Showcase to reflect the divisional assignment as “T2”, and shall set the case for the next available T2 docket.
3. The Court Administration Case Manager will, if necessary, provide the name of one expert whose name is obtained from the list of eligible competency experts to evaluate the defendant.
4. Special Circumstances
  - a. If special circumstances exist that require the need for a neuropsychological exam, an exam for a person with an intellectual disability or autism, or an exam that must be performed in another language or with the assistance of an interpreter, the parties shall identify the issue with specificity by motion or agreed order.
5. Upon the filing of a Court Order Finding the Defendant Competent to Proceed, the Clerk shall transfer the case back to the original assigned division and set the matter on the next available docket unless the Order Finding the Defendant Competent to Proceed directs otherwise.
6. If the Court enters an Order Finding the Defendant Incompetent to Proceed, the case will stay in the Misdemeanor Competency Division until such time as the defendant is found competent or other disposition of the case.
7. Speedy Trial is tolled from the time a signed motion or order is filed in the court file until the case(s) are transferred out of division T2.

**C. DISQUALIFICATION**

If the Misdemeanor Competency Division Judge determines that a defendant is not eligible for the Misdemeanor Competency Division, the case will be immediately sent back to the original assigned division.

**DONE and SIGNED**, in Chambers, at West Palm Beach, Palm Beach County, Florida, this 16<sup>th</sup> day of March, 2023.



---

GLENN KELLEY  
Chief Judge