

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

ADMINISTRATIVE ORDER NO. 4.911-10/25*

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 (hereinafter 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 Division T2 if:

1. The Defendant is charged with a misdemeanor, and
2. **At least one of the following is applicable to the case:**
 - a. A written motion **has been filed pursuant to Florida Rule of Criminal Procedure 3.210(b)** alleging that the Defendant is incompetent to proceed due to mental illness, intellectual disability, autism, or traumatic brain injury.
 - b. **The Defendant has an open/active case assigned to Division T2.**
 - c. The Defendant has an open/**active competency** case assigned to Division T. (**Division T Not Guilty by Way of Insanity (NGI) cases do not create automatic eligibility for Division T2**).
 - d. **There is an agreement between the State Attorney's Office and Defense Counsel to transfer the case to Division T2.**

- e. **The presiding judge has determined that there are reasonable grounds to believe the Defendant is not mentally competent to proceed.**

B. PROCEDURES PRIOR TO AND AFTER TRANSFER OF CASES

1. **If a case is eligible for transfer to Division T2 by virtue of one of the circumstances outlined in section A(2)(a)-(d), above, either party may file a motion or submit an agreed order to have the case transferred to the Competency Division. The Divisional Judge shall hear the motion and, if granted, sign an order or an agreed order Reassigning Case to Division T2. The moving attorney or party shall email a copy of the signed order transferring the case to Division T2 to the Division T2 Judicial Assistant and the Court Administration Case Manager for Criminal and Mental Health.**
2. **If a cases is eligible for transfer to Division T2 due a judge's own motion as set forth in section A(2)(e), above, the transferring judge shall enter an order Reassigning Case to Division T2 Based on Judge Referral and notify the Division T2 Judge of the transfer. To the extent possible, the written order should include a recital of the specific circumstances that have formed the basis for the transfer.**
3. 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 Division T2 docket **or a date agreed upon by all parties and the Division T2 Judge.**
4. **If a request for an expert evaluation is granted by the Division T2 Judge, a Court Administration Case Manager will provide the name of one expert whose name is obtained from the list of eligible competency experts to evaluate the Defendant.**
5. **The appointment of experts for competency evaluation purposes and any final competency hearings shall remain governed by Chapter 916 of the Florida Statutes, Florida Rules of Criminal Procedure 3.210–3.215, and 15th Judicial Circuit Administrative Order 2.601.**
6. 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 apprise the Division T2 Judge of the need before the expert is appointed.**

6. 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 **Division T2 Judge** directs otherwise.
7. If the Court enters an Order Finding the Defendant Incompetent to Proceed, the case will stay in the **Division T2** until such time as the Defendant is found competent or other disposition of the case.
8. 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 Division **T2** Judge determines that a defendant is not eligible for **Division T2**, 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 20th day of October, 2025.



GLENN KELLEY
Chief Judge

*supersedes admin. order no. 4.911