

IN THE THIRD JUDICIAL CIRCUIT OF FLORIDA

ADMINISTRATIVE ORDER 2018-007

IN RE:       **PETITIONS FOR WRIT OF HABEAS  
CORPUS WHEN A CORRESPONDING  
MENTAL HEALTH CASE EXISTS**

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**WHEREAS**, section 394.459(8)(a), Florida Statutes, permits persons who are held in a receiving or treatment facility or their relative, friend, guardian, guardian advocate, representative, or attorney, or the department to file a “petition for a writ of habeas corpus to question the cause and legality of such detention and request that the court order a return to the writ in accordance with chapter 79”;

**WHEREAS**, section 394.459(8)(b), Florida Statutes, permits persons who are patients in a receiving or treatment facility or their relative, friend, guardian, guardian advocate, representative, or attorney, or the department to “file a petition in the circuit court in the county where the patient is being held alleging that the patient is being unjustly denied a right or privilege granted herein or that a procedure authorized herein is being abused. Upon the filing of such a petition, the court shall have the authority to conduct a judicial inquiry and to issue any order needed to correct an abuse of the provisions of this part”; and

**WHEREAS**, by the authority vested in me as the Chief Judge of the Third Judicial Circuit and pursuant to the Florida Rules of Judicial Administration;

It is therefore **ORDERED**:

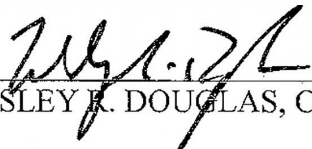
When a petition for writ of habeas corpus is filed pursuant to section 394.459(8), Florida Statutes, it will be filed under the same case number as the most-recent petition for involuntary placement regarding the same individual and facility. If an accompanying mental health case does not exist, the Clerk of the Court shall open a new case and comply with the below directives.

The Clerk of the Court shall immediately notify the Office of the Public Defender, Office of the State Attorney, and the staff attorneys by providing each with a copy of the petition and all accompanying documents.

If, at the time the petition for writ of habeas corpus is filed, the Office of the Public Defender has not yet been appointed to the case, then the Office of the Public Defender, Third

Judicial Circuit, shall immediately be notified of the pending case and appointed to represent the person.

**DONE** in Columbia County, Florida, on July 12, 2018.

  
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WESLEY R. DOUGLAS, CHIEF JUDGE

ORIGINAL: *Clerk of Court, Columbia County*

COPIES TO: *Circuit and County Judges, Third Judicial Circuit*  
*Clerks of Court, Third Judicial Circuit*  
*Office of Public Defender, Third Judicial Circuit*  
*Office of State Attorney, Third Judicial Circuit*