IN THE CIRCUIT COURT, FOURTH JUDICIAL CIRCUIT,
IN AND FOR DUVAL COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 2023-13

IN RE: ASSIGNMENT OF MARCHMAN ACT CASES TO THE PROBATE DIVISION IN DUVAL COUNTY, FLORIDA

WHEREAS, pursuant to Article V, section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and power to do everything necessary to promote the prompt and efficient administration of justice; and

WHEREAS, Florida Rule of General Practice and Judicial Administration 2.215(b)(3) states the chief judge "shall, considering available resources, ensure the efficient and proper administration of all courts within that circuit" and shall develop an administrative plan "capable of effecting the prompt administration of cases"; and

WHEREAS, the Marchman Act's purpose is to provide assistance and services necessary for persons who have substance use disorders or co-occurring substance use and mental health disorders; and

WHEREAS, according to section 397.305(8), Florida Statutes, the Marshman Act results from the Legislature's intent to provide an alternative to criminal imprisonment for substance abuse impaired adults and juvenile offenders by encouraging the referral of such offenders to service providers not generally available within the juvenile justice and correctional systems, instead of or in addition to criminal penalties.

WHEREAS, Marchman Act cases are currently assigned to the Circuit Civil Court; and

WHEREAS, Baker Act cases are assigned to the Probate Division because the Probate Division has more resources to address issues involving mental, emotional, and behavioral disorders; and

WHEREAS, Marchman Act cases require many of the same resources as provided in Baker Act cases; and

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WHEREAS, the Probate Division is capable of administering Marchman Act cases in a prompt and efficient manner.

NOW THEREFORE, by the authority vested in me as the Chief Judge of the Fourth Judicial Circuit and pursuant to the Florida Rules of Judicial Administration, it is

ORDERED:

(1) The Duval County Clerk of Court is directed to assign to the Probate Division all cases filed pursuant to the Marchman Act.

(2) This Administrative Order No. 2023-13 shall be recorded by the Clerk of Court in the Official Records of Duval County, shall take effect immediately, and shall remain in full force and effect until further order of the Court.

DONE at Jacksonville, Duval County, Florida this 22nd day of May 2023.

MARK H. MAHON
CHIEF JUDGE

Copies to:

All Judges in the Fourth Judicial Circuit
All Magistrates in the Fourth Judicial Circuit
The Honorable Thomas M. Beverly, Administrative Judge, Probate Division
The Honorable Steven Whittington, Administrative Judge, Clay County
The Honorable James Daniel, Administrative Judge, Nassau County
The Honorable Jody Phillips, Clerk of Court, Duval County
The Honorable Melissa W. Nelson, Esq., State Attorney
The Honorable Charles G. Cofer, Esq., Public Defender
The Honorable Jason R. Teal, General Counsel, City of Jacksonville
Eve Janocko, Fourth Judicial Circuit Trial Court Administrator
Claude T. Colvin, Deputy Trial Court Administrator
Mike Smith, Court Technology Officer
Cecilia F. Birk, Esq., Court Counsel
Janet Abel, Office of Regional Conflict Counsel
Judicial Staff Attorneys, Fourth Judicial Circuit
Fourth Judicial Circuit Law Library, Duval County
The Jacksonville Bar Association
Christopher Douglas, Senior Business Strategist, Clerk of Court, Duval County
Laura Lentini, Assistant to Court Counsel
Jacksonville Bar Association