

**IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT  
IN AND FOR POLK COUNTY, FLORIDA**

**ADMINISTRATIVE ORDER NO. 2-84.0**

**IN RE: CREATION OF AND PROCEDURES FOR  
THE CRIMINAL COMPETENCY DIVISION**

WHEREAS, the judges of the Polk County Felony Division have evaluated the needs of the Felony Division and have determined that the Court has a need for a specialty division to handle criminal competency cases; and

WHEREAS, in accordance with the authority vested in the Chief Judge under article V, section 2(d), Florida Constitution; section 43.26, Florida Statutes; and Florida Rule of General Practice and Judicial Administration 2.215(b)(2);

NOW, THEREFORE, it is ORDERED that:

1. Creation: The Criminal Competency Division (hereinafter “F8” or “Criminal Competency Division”) is hereby created to handle criminal competency cases. The F8 judicial assignment will not begin until January 4, 2024.
2. Procedures (Competency):
  - a. When a judge in Division F1 through F6 appoints a doctor to examine a defendant for competency, the order appointing the doctor will set the next court date for a competency hearing on the F8 docket and will act as a transfer order to F8.
  - b. Scheduling Hearings Prior to January 4, 2024: Criminal competency matters may be set on the F8 docket for hearings to take place on or after January 4, 2024. However, any criminal competency matter set prior to entry of this order for a hearing to take place in 2024 on an F1 through F6 docket will remain set on those dockets and will only be transferred to F8, if necessary, after the hearing.
  - c. Beginning on January 4, 2024, the Polk County Clerk of Court (hereinafter “Clerk”) will transfer the case(s) to F8 when an order appointing the doctor is entered. On January 4, 2024, the Clerk will transfer to F8 any case that already has an order appointing a doctor and is set on the F8 docket for a hearing to take place on or after January 4, 2024.
  - d. The F8 judge will appoint additional doctors as requested and as appropriate and will adjudicate the issue of competence.
  - e. If, after the competency hearing, the F8 judge determines that the defendant is competent, the Clerk will transfer the case back to the originating division.

- f. If the F8 judge adjudicates the defendant incompetent, statutory review hearings will take place in F8. When and if restored to competency, as determined by the F8 judge, the Clerk will transfer the case back to the originating division.
  - g. While the case remains in F8, the F8 judge will also address all motions, including any motions to dismiss that arise under the criminal rules.
  - h. When a defendant is determined to be competent and the case is transferred back to the originating division, the Clerk will set it for arraignment if the issue of competency was addressed prior to or at arraignment, or for pretrial conference if the issue of competency was addressed after arraignment.
3. Procedures (Not Guilty by Reason of Insanity “NGRI”):
- a. If a defendant is adjudicated NGRI, the judge assigned to the case at the time of adjudication (Divisions F1 through F6) will determine if the defendant meets the criteria for commitment to the Department of Children and Families or outpatient treatment.
  - b. Upon determination that the defendant meets the criteria for commitment or outpatient treatment, the Clerk will transfer the case to F8 and any review hearing(s) will be set on the F8 docket.
4. Effective Date: This Administrative Order is effective immediately to authorize creation of Division F8 and to allow hearings to be set on the F8 docket that begins January 4, 2024. The remaining provisions of this Administrative Order are effective January 4, 2024.

**DONE AND ORDERED** on this 26th day of October, 2023.

s/JAMES A. YANCEY, Chief Judge

Original: Polk County Clerk of the Circuit Court

Copies:  
All Judges  
Polk County Clerk of the Circuit Court  
Office of the State Attorney  
Office of the Public Defender  
Second District Office of Conflict Regional Counsel  
Electronic Bar Mailing