

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

ADMINISTRATIVE ORDER NO. 2-86.0

IN RE: CREATION OF AND PROCEDURES FOR THE HIGHLANDS COUNTY FELONY
VIOLATION OF PROBATION AND CRIMINAL COMPETENCY DIVISION

WHEREAS, after evaluating the needs of the Highlands County Felony Division, the Court has determined that there is a need for a Felony Violation of Probation and Criminal Competency Division to handle certain felony violations of probation and criminal competency proceedings for non-capital cases; and

WHEREAS, in accordance with article V, section 2, Florida Constitution; section 43.26, Florida Statutes; and Florida Rule of General Practice and Judicial Administration 2.215;

NOW, THEREFORE, it is ORDERED that:

1. Creation: The Felony Violation of Probation and Criminal Competency Division (hereinafter “FVOP Criminal Competency Division” or “Division 18”) is created to handle cases assigned to the division pursuant to this Administrative Order.
2. FVOP Assignment Procedures:
 - a. Any new technical violation of probation or community control under the supervision of the Florida Department of Corrections (cases that are without a new Highlands County felony law charge) shall be assigned to the FVOP Criminal Competency Division. Any new substantive Highlands County felony violation of probation or community control charge (cases that include a new Highlands County felony law charge) shall be assigned to the regular felony division (Division 6).
 - b. All motions for early termination of probation/community control, modification of probation/community control, for travel, etc., shall be assigned to the FVOP Criminal Competency Division if the defendant has a pending violation of probation/community control in the FVOP Criminal Competency Division or if the order of probation/community control to which the motion is directed resulted from an affidavit of violation alleging no new Highlands County felony criminal charge. Otherwise, such motions shall be assigned to the original felony division (Division 6) in which they were sentenced.
 - c. The FVOP Criminal Competency Judge shall also be assigned all Fugitive from Justice and Interstate Compact Cases.

- d. The FVOP Criminal Competency Judge is authorized to handle any misdemeanor cases or violation of probation of misdemeanor cases on the same offender assigned to the FVOP Criminal Competency Judge as he/she may from time to time deem appropriate in the best interest of judicial economy.
3. Criminal Competency Procedures (Competency):
 - a. When the Division 6 felony judge 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 FVOP Criminal Competency Division docket and will act as a transfer order to the FVOP Criminal Competency Division.
 - b. Beginning on January 20, 2026, the Clerk will transfer the case(s) to the FVOP Criminal Competency Division when an order appointing the doctor is entered. On January 20, 2026, the Clerk will transfer to the FVOP and Criminal Competency Division any case that already has an order appointing a doctor and is set for a hearing to take place on or after January 20, 2026.
 - c. The FVOP Criminal Competency Division judge will appoint additional doctors as requested and as appropriate and will adjudicate the issue of competence.
 - d. If, after the competency hearing, the FVOP Criminal Competency Division judge determines that the defendant is competent, the Clerk will transfer the case back to the original felony division (Division 6).
 - e. If the FVOP Criminal Competency Division judge adjudicates the defendant incompetent, statutory review hearings will take place in the FVOP Criminal Competency Division. When and if restored to competency, as determined by the FVOP Criminal Competency Division judge, the Clerk will transfer the case back to the original felony division (Division 6).
 - f. While the case remains in the FVOP Criminal Competency Division, the FVOP Criminal Competency Division judge will also address all motions, including any motions to dismiss that arise under the criminal rules.
 - g. When a defendant is determined to be competent and the case is transferred back to the original felony division (Division 6), 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.
 4. Criminal Competency 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 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 the FVOP Criminal Competency Division and any review hearing(s) will be set on the FVOP Criminal Competency Division docket.
5. Effective Date: This Administrative Order is effective on January 9, 2026.

DONE and ORDERED on this 9th day of January, 2026.

s/JAMES A. YANCEY, Chief Judge

Original to:
Polk County Clerk of Courts

Copies to:
All Judges
Highlands County Clerk of the Circuit Court
Office of the State Attorney
Office of the Public Defender
Office of Criminal Conflict and Civil Regional Counsel, 2nd District Region
Electronic Bar Mailing