

IN THE CIRCUIT COURT OF THE
_____ JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY,
FLORIDA.

CASE NO. _____

STATE OF FLORIDA,
Plaintiff

vs.

Defendant.
_____ /

**ORDER ADJUDGING DEFENDANT INCOMPETENT TO PROCEED
AND
COMMITMENT TO NON-SECURE PLACEMENT WITH THE
AGENCY FOR PERSONS WITH DISABILITIES**

THIS CASE came to be heard before the Court, and the issue of the Defendant's competency to proceed was raised in accordance with the provisions of Rule 3.210, FRCrP, and Section 916.301, Florida Statutes (2006). Pursuant to Section 916.301(2)(a), the Court appointed _____, a qualified expert with expertise in evaluating persons with retardation and autism. Pursuant to Section 916.301(2)(b), the Court also appointed the Agency for Persons with Disabilities which selected (1) a psychologist who is licensed or authorized to practice in this State and has experience in evaluating persons suspected of having retardation or autism and (2) a social service professional who has experience in working with persons with retardation or autism.

The Court has received:

_____ the written reports

_____ the oral testimony

_____ both written reports and oral testimony

of the above-named expert(s) in relation to the issue of the Defendant's competency to proceed and need for commitment.

FINDINGS OF FACT:

IT IS ORDERED AND ADJUDGED that:

- (1) Defendant has been charged with a felony.
- (2) Defendant is incompetent to proceed due to retardation and/or autism.
- (3) Defendant does not meet the criteria for involuntary commitment to a forensic facility as provided in F.S. 916.302 (2006).
- (4) Defendant is hereby released, pursuant to F.S. 916.304 (2006) and F. R. Cr. Proc. 3.212(d), for community-based training/to a non-forensic facility.
- (5) A written plan for community-based training has been filed with the Court. The plan includes (a) Special provisions for residential care and adequate supervision of the Defendant, including recommended location of placement; and (b) Recommendations for auxiliary services.
- (6) The following conditions of release are hereby ordered: [Complete as appropriate].
- (7) The Clerk of the Court is directed to forthwith forward a certified copy of this Order along with copies of any written reports submitted to this Court by experts appointed by the Court relating to the issues of competency and commitment; copies of any other psychiatric, psychological or social work reports submitted to the Court relative to the mental state of the Defendant; and a copy of the charging instrument and all supporting

affidavits or other documents used in the determination of probable cause
to: Agency for Persons with Disabilities, Program Administrator, Area
_____.

(8) The court retains jurisdiction of this cause pursuant to Sections
916.3025(2) and 916.304 (3), Florida Statutes (2006).

DONE AND ORDERED at _____,
_____ County, Florida, this _____ day of
_____, 20_____.

CIRCUIT JUDGE

Copies furnished to:

Public Defender or Private Defense Counselor
State Attorney
Agency for Persons with Disabilities: Program Administrator, Area _____