

The Marchman Act *Annual Report*

Fiscal Year 2023-2024



**UNIVERSITY of
SOUTH FLORIDA**

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This first annual Marchman Act report was created to respond to new language in the Marchman Act as of July 2024, as shown in the box below. Note that the “institute” is referring to the de la Parte Florida Mental Health Institute (FMHI) at the University of South Florida. This report was created by staff at the Baker Act Reporting Center, which is affiliated with FMHI.

397.697(5) (5) The department and the institute established under s. 1004.44, shall also receive and maintain copies of the involuntary assessment and treatment orders issued pursuant to ss. 397.68151, 397.6818, and 397.6957; the qualified professional assessments; the professional certificates; and the law enforcement officers’ protective custody reports. The institute established under s. 1004.44 shall use such documents to prepare annual reports analyzing the data the documents contain, without including patients’ personal identifying information, and the institute shall post such reports on its website and provide copies of the reports to the department, the President of the Senate, and the Speaker of the House of Representatives by December 31 of each year.

For more information, see the website <http://www.usf.edu/cbcs/baker-act/>, email marchmanact@usf.edu, or call the Baker Act Reporting Center at 813-974-1010.

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I. Introduction

In the early 1970s, the federal government established new laws to provide streams of funding for states to develop continuums of care for individuals impacted by substance use disorders. However, it separated funding for alcohol abuse from other forms of substance abuse. As a result of these separate funding streams, Florida enacted statutory language defining Chapter 396 of Florida Statutes for alcohol use disorder, whereas Chapter 397 of Florida Statutes covered other substance use disorders.¹

In 1993, Florida House Representative Steven Wise sponsored a bill that combined chapters 396 and 397 of Florida Statutes into one law by introducing the Hal. S. Marchman Alcohol and Other Drug Services Act of 1993, named after an advocate for services for individuals with substance use disorders. This statute, generally referred to as the Marchman Act, defined “legislative intent, licensure of service providers, client rights, voluntary and involuntary admissions, offender and inmate programs, service coordination, and children’s substance abuse services.”² Below is statutory language defining the criteria for involuntary admissions under the Marchman Act.

397.675 Criteria for involuntary admissions, including protective custody, emergency admission, and other involuntary assessment, involuntary treatment, and alternative involuntary assessment for minors, for purposes of assessment and stabilization, and for involuntary treatment.

A person meets the criteria for involuntary admission if there is good faith reason to believe that the person is substance abuse impaired or has a substance use disorder and a co-occurring mental health disorder and, because of such impairment or disorder:

(1) Has lost the power of self-control with respect to substance abuse; and

(2)(a) Is in need of substance abuse services and, by reason of substance abuse impairment, his or her judgment has been so impaired that he or she is incapable of appreciating his or her need for such services and of making a rational decision in that regard, although mere refusal to receive such services does not constitute evidence of lack of judgment with respect to his or her need for such services; or

(b) Without care or treatment, is likely to suffer from neglect or refuse to care for himself or herself; that such neglect or refusal poses a real and present threat of substantial harm to his or her well-being; and that it is not apparent that such harm may be avoided through the help of willing, able, and responsible family members or friends or the provision of other services, or there is substantial likelihood that the person has inflicted, or threatened to or attempted to inflict, or, unless admitted, is likely to inflict, physical harm on himself, herself, or another.

¹ Duchene, D. & Lane, P. (2009). Fundamentals of the Marchman Act. *Risk Rx*, 6(2). Also see a [2009 blog post](#) about this article.

² Marchman Act historical information was taken from a [web page of Florida’s 13th Judicial Circuit](#).

The intent of the Marchman Act (397, F.S.) is to legally compel a person with a substance use disorder to undergo assessment, stabilization, and eventually treatment if they meet the Marchman Act criteria.³ The Marchman Act has an administrative rule that provides specificity about how to carry out the Marchman Act (65D-30, F.A.C.).

This is the first Annual Marchman Act Report, which is now required to be publicly available by December 31st of each year due to the passage of House Bill 7021 in 2024 amending the Marchman Act.

Terminology: Note that the term “involuntary services” is used throughout this document in a generic sense for legal mechanisms in the Baker Act and Marchman Act that allow for involuntary assessment, treatment, and services. There are differing terms used in the Baker Act and Marchman Act for involuntary services, and the terminology recently for involuntary services changed in the Baker Act as of July 2024. The specific phrases in the Baker Act and Marchman Act are used in some parts of this report, such as when referencing a section of the statute. But when the term “involuntary services” is used in this report, this term is used in the general sense.

The Department's website provides a list of Licensed Substance Abuse Providers. This list can be downloaded as an Excel spreadsheet.

Figure 1: Department’s Power-BI Dashboard of Licensed Substance Abuse Providers



³ See Reference Nexus: What Is the History of The Marchman Act?

The Department provides information online about the [Marchman Act](#) and information about [Treatment for Substance Abuse](#), including how to find [Local Services](#). This includes a link to “Get Help – Local Services,” where people can choose their county, and substance abuse and mental health services are listed. The Florida Alcohol and Drug Abuse Association ([FADAA](#)) provides online Training about the Marchman Act. A "Marchman Act Basics" course can be accessed by creating a free account on [Florida's Learning Management System for Behavioral Health](#), navigating to the Course Catalog, and searching for the “Marchman Act Basics” course.

The Marchman Act training made available by [FADAA](#) organizes involuntary services as allowed in the Marchman Act into five pathways (see Figure 2). Definitions in Table 1 are helpful to understanding Figure 2. The forms referred to in this report relevant to the Marchman Act are listed in Table 2.

Table 1: Marchman Act Definitions

Term	Definition
Department 397.311(12), F.S.	The Department of Children and Families.
Involuntary treatment services 397.311(24), F.S.	Court ordered behavioral health services for individuals with substance abuse impairment or co-occurring substance abuse and mental health disorders.
Addictions receiving facility 397.311 (27)(a) 1 F.S.	An acute care facility that provides detoxification and stabilization services, operates 24/7, and is designated by the Department to serve substance use impaired individuals who meet the placement criteria as described in s. 397.675.
Licensed service provider 397.311 (26), F.S.	A public agency, a private for-profit or not-for-profit agency, a physician or any other private practitioner licensed under this chapter, or a hospital that offers substance abuse services through one or more licensed service components.
Detoxification 397 (27)(a)(4), F.S.	A subacute care service, provided on an inpatient or outpatient basis, to assist individuals that meet Marchman Act treatment criteria in undergoing withdrawal and assist with the physiological and psychological effects of substance abuse.
Substance abuse 397.311 (48) F.S.	The misuse, abuse of, or dependence on alcohol, illicit drugs, or prescription medications. As an individual progresses along this continuum of misuse, abuse, and dependence, there is an increased need for substance abuse intervention and treatment.
Qualified professional 397.311 (36), F.S.	A physician or physician assistant licensed under Ch. 458, F.S. and 459, F.S.; a psychologist, clinical social worker, mental health counselor, or marriage and family therapist licensed under Ch. 490, F.S. and Ch. 491, F.S.; an advanced practice registered nurse licensed under part I, Ch. 464, F.S.; an individual certified through a Department-recognized certification process for substance abuse treatment services with a bachelor's degree or higher; or an individual employed at a licensed Florida substance abuse provider and certified in substance abuse treatment services by another state's recognized certification process at the time of employment, but they must meet Florida certification requirements within 1 year of employment.

Figure 2: Five Pathways to Involuntary Assessment and Treatment in the Marchman Act

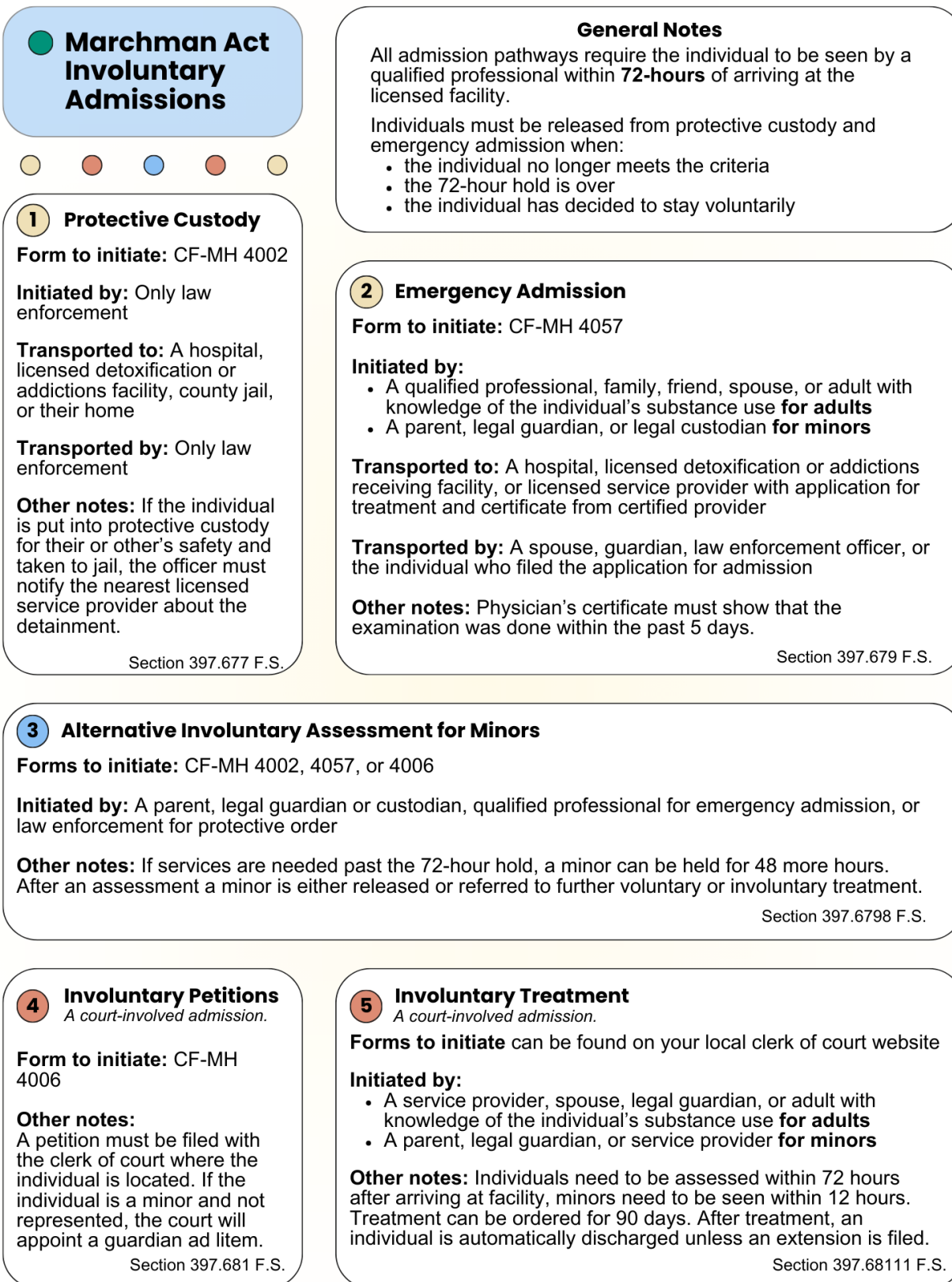


Table 2: Marchman Act Forms⁴

Mandatory Forms	
CF-MH 4057	Certificate of Professional for Emergency Assessment for Substance Abuse Services
CF-MH 4002	Report of Law Enforcement Officer Initiating Protective Custody
Recommended Forms	
CF-MH 4003	Notice of Early Release from Involuntary Substance Abuse Services
CF-MH 4004	Petition Requesting Extension of Involuntary Substance Abuse Services Order
CF-MH 4005	Notification to Court of Withdrawal of Petition for Hearing on Involuntary Substance Abuse Services
CF-MH 4006	Petition for Involuntary Substance Abuse Assessment and Stabilization
CF-MH 4007	Application for Voluntary Admission for Substance Abuse Services
CF-MH 4008	Notice of Voluntary Person's Right to Request Discharge

The five pathways for Marchman Act involuntary services, as shown in Figure 2, do not have one central type of person who initiates the process for involuntary services, with the exception of pathway 1, which is for law enforcement. The five pathways do not have one type of facility as a destination, and some pathways also use more than one type of form or documentation to start the process. This complicates creating infrastructure for statewide Marchman Act data for all elements of each of the five pathways.

Understanding how the process for involuntary services as allowed in the Baker Act differs from involuntary services as allowed in the Marchman Act is needed to understand how to develop and implement a plan to create infrastructure for Marchman Act data.

Data for Baker Act Annual Report vs. Data for Marchman Act Annual Report

The documents used to initiate involuntary services are mandatory or optional forms that are part of the Florida Administrative Code for the Baker Act (65E-5, F.A.C.) and the Marchman Act (65D-30, F.A.C.). These documents are essential to justify the rationale for taking away a person's liberty by requiring involuntary services. These documents are also a way for key stakeholders to record information that can then be entered as data for reporting. Data entered from these documents are used to create reports. Next, we describe what goes into creating the Baker Act Annual Report so that we can contrast it with Marchman Act reporting.

Data used to create the Baker Act Annual Report come from two sources of documents: Baker Act receiving facilities (involuntary examination documents) and Clerks of Court (involuntary inpatient placement and involuntary outpatient services documents).

Baker Act Involuntary Examinations: To initiate involuntary (Baker Act) examinations, there are forms for law enforcement (CF-MH 3052a), health professionals (CF-MH 3052b), and courts (CF-MH 3001). Since everyone who has an involuntary examination goes to a Baker Act receiving facility, these facilities are a central place from which to either submit forms for data entry or to have staff at the facilities enter data from the forms. From the creation of the Baker

⁴Links to forms are available on the Department's website on its [Marchman Act web page](#).

Act Reporting Center in the mid-1990s until July 2023, Baker Act receiving facilities mailed or securely transferred scans of the Cover Sheet that provides demographic information (CF-MH 3118), along with each CF-MH 3052s, CF-MH 3052b, and CF-MH 3011 form to the Baker Act Reporting Center, where data were entered from these documents. As of July 2023, Baker Act receiving facilities enter data from involuntary examination forms into the Department's online Baker Act Data Collection System (BADCS). Also uploaded to the BADCS are forms CF-MH 3052s, CF-MH 3052b, and CF-MH 3011. The Transportation to Receiving Facility form (CF-MH 3100) is uploaded to the BADCS, although no data are entered into the BADCS from this form. No data from form CF MH-3100 were ever entered at the Baker Act Reporting Center when it was receiving documents and entering data from them because the change in the Baker Act that required submission of form CF MH-3100 coincided with the Department's development and implementation of the BADCS.

Baker Act Involuntary Inpatient Services and Involuntary Outpatient Services: Baker Act Reporting Center staff enter data from documents for involuntary inpatient and involuntary outpatient services that are a) securely transferred to the Baker Act Reporting Center from Clerks of Court or b) accessed by Baker Act Reporting Center staff in the Comprehensive Case Information System (CCIS).

Marchman Act Involuntary Services: For involuntary (Marchman Act) services, the Report of Law Enforcement Officers Initiating Protective Custody form (CF-MH 4057) is brought with the person to jail, to a detox facility, a substance abuse treatment facility, or a hospital. The Certificate of Professional for Emergency Assessment for Substance Abuse Services form (CF-MH 4002) is brought with the person to a detox facility, a substance abuse treatment facility, or a hospital. Also, certain health professionals may complete the CF-MH 4002 once the person is at their facility. There are petitions and orders for the Marchman Act involuntary services initiated via the court process. There is also no statutory language requiring any type of entity (law enforcement, health professionals, Clerks of Court) or facility (jails, detox facilities, substance abuse treatment facilities, hospitals) to submit documents, data and/or enter data related to Marchman Act involuntary services to be used for annual reporting purposes. There is statutory language specifying that the Department and the Institute (meaning FMHI) receive documents, but not language about who is required to submit them.

In sum, creating infrastructure for Marchman Act data to be used for an annual report is more complicated than it is for the Baker Act Annual Report because of the larger variety of facility types people are brought to for Marchman Act involuntary services and because there are no statutory requirements for submission of the document, data, or entry of data related to the Marchman Act to be used for an annual report.

Next, we provide information based on the data that could be compiled for this first Annual Marchman Act report.

II. Data

The change in the Marchman Act requiring an annual report went into effect in July 2024, with the first report due December 31st. Creating this report annually will require the development of document/data submission infrastructure, including changes to statutes and rules that specify who submits what to whom and on what time schedule.

There are three sources of data the Baker Act Reporting Center was able to compile for this first Marchman Act Report: a) The Office of State Court Administrators (OSCA) counts of case types from a report generated on the FLCourts website, b) counts of cases identified in the Comprehensive Case Information System (CCIS) as part of the Baker Act Reporting Center's CCIS pilot for petitions and orders for Baker Act involuntary inpatient placement and Baker Act involuntary outpatient services, and c) data from documents/data files for protective custody holds submitted to the Baker Act Reporting Center by some Florida Sheriff's Offices.

A. Office of State Court Administrators (OSCA) Data

Information on the Florida Courts website about Court Statistics provides information about various types of cases. The [Statistics](#) page of this OSCA website provides access to [Trial Court Statistics](#). Table 3 shows a summary generated from the Florida Courts website of trial court statistics for probate cases in FY 2022-2023. The "Substance Abuse" column indicates the number of Marchman Act cases for involuntary assessment and involuntary services.

Table 3: OSCA Trial Court Statistics Summary Report System for Probate Cases: FY 2022-2023⁵

Summary Reporting System (SRS)							
Summary for the month of July 2022 through June 2023							
State Total							
Probate							
	Probate	Guardianship	Trust	Baker Act	Substance Abuse	Other Social	Total
A. Cased Filed	72,765	9,398	714	51,317	10,236	6,364	150,794
B. Cases Disposed							
1. Dismissed Before Hearing	34,064	1,157	169	27,262	4,780	997	68,429
4. Disposed By Judge	36,736	6,445	440	20,905	5,319	4,716	74,561
5. Disposed By Non-Jury Trial	85	879	5	1,052	78	330	2,429
7. Other	1,050	192	28	2,428	19	35	3,752
Total Disposed	71,935	8,673	642	51,647	10,196	6,078	149,171
C. Cases Reopened	19,555	87,778	170	1,785	2,130	2,502	113,920

SRS data are used to measure trial court activity in Florida. These data are not intended as a measure of efficiency of the judiciary, state attorneys, or public defenders.

These data are based on information received from the Clerks of Court and are extracted from a static data base containing the official trial court statistics.

⁵ Note that these data were not yet available for FY 2023-2024 to be used for this report.

It is important to understand that these OSCA data are compiled and reported for purposes of court administration, but they are being used for a different purpose in this report – to understand the number of different case types, focusing on the Marchman Act or “Substance Abuse” cases. These OSCA data can be used to count hearings, but they do not indicate the outcome of the hearing. In the context of “Marchman Act” cases, these OSCA data do not provide information about the counts of cases for which people were and were not ordered to involuntary services.

Also of note is that it is logical to think that the number of cases filed should equal the number of cases disposed of. However, Table 3 shows that 40 more Substance Abuse cases were filed than were disposed of. This is due to the timing of how cases are recorded in these OSCA data. For example, a case filed in late June 2023 would have been counted as a “case filed” for FY 2022-2023, but if disposed of in July 2023 would have been counted in the trial court statistics for FY 2023-2024. Given these timing issues, the count of cases filed compared to cases disposed of is remarkably close.

Almost half ($4,780/10,236 = 47$ percent) of Substance Abuse cases filed in FY 2022-2023 were dismissed before the hearing. Most of these 5,416 cases filed in FY 2022-2023 that were not dismissed before a hearing were disposed of by a judge ($5,319/5,416 = 98$ percent).

The case counts in Table 4 can inform future efforts to learn more about applying legal mechanisms allowed in the Marchman Act, such as court-ordered involuntary services. For example, the circumstances of cases where the Marchman Act involuntary services petition is dismissed before a hearing and why some counties have a higher percentage of such cases than others can be described with the collection of qualitative data. What leads to a higher volume of cases in certain judicial circuits can be described. One example is the 13th Judicial Circuit’s (Hillsborough County) Marchman Act Drug Court, which leads to the use of the Marchman Act court-ordered involuntary services more in Hillsborough County than in certain other counties.

Table 4: Substance Abuse Case Counts from OSCA Data – FY 2022-2023⁶

County	Cases Filed	Dismissed Before Hearing	
		Count	Percentage Out of Cases Filed
Alachua	113	87	76.99%
Baker	25	0	0.00%
Bay	75	70	93.33%
Bradford	8	8	100.00%
Brevard	261	237	90.80%
Broward	1,047	1	0.10%

⁶ Note. Small cell sizes are not redacted in this table because the counts on the FLCourts website are not redacted.

County	Cases Filed	Dismissed Before Hearing	
		Count	Percentage Out of Cases Filed
Calhoun	13	0	0.00%
Charlotte	105	9	8.57%
Citrus	94	60	63.83%
Clay	34	2	5.88%
Collier	57	33	57.89%
Columbia	60	0	0.00%
Desoto	8	0	0.00%
Dixie	1	0	0.00%
Duval	391	163	41.69%
Escambia	185	153	82.70%
Flagler	95	0	0.00%
Franklin	11	0	0.00%
Gadsden	34	0	0.00%
Gilchrist	0	0	N/A
Glades	21	0	0.00%
Gulf	10	0	0.00%
Hamilton	0	0	N/A
Hardee	34	0	0.00%
Hendry	27	0	0.00%
Hernando	108	58	53.70%
Highlands	53	0	0.00%
Hillsborough	1,065	748	70.23%
Holmes	18	0	0.00%
Indian River	50	5	10.00%
Jackson	58	49	84.48%
Jefferson	1	0	0.00%
Lafayette	1	0	0.00%
Lake	81	81	100.00%
Lee	93	53	56.99%
Leon	95	1	1.05%
Levy	19	0	0.00%
Liberty	5	0	0.00%
Madison	0	0	N/A

County	Cases Filed	Dismissed Before Hearing	
		Count	Percentage Out of Cases Filed
Manatee	124	84	67.74%
Marion	197	156	79.19%
Martin	42	40	95.24%
Miami-Dade	1,102	0	0.00%
Monroe	40	16	40.00%
Nassau	19	5	26.32%
Okaloosa	61	25	40.98%
Okeechobee	34	34	100.00%
Orange	341	313	91.79%
Osceola	162	127	78.40%
Palm Beach	772	14	1.81%
Pasco	250	247	98.80%
Pinellas	152	112	73.68%
Polk	366	214	58.47%
Putnam	120	3	2.50%
Saint Johns	68	68	100.00%
Saint Lucie	767	763	99.48%
Santa Rosa	360	260	72.22%
Sarasota	98	10	10.20%
Seminole	82	66	80.49%
Sumter	12	12	100.00%
Suwannee	39	35	89.74%
Taylor	38	38	100.00%
Union	2	0	0.00%
Volusia	559	302	54.03%
Wakulla	36	0	0.00%
Walton	18	18	100.00%
Washington	9	0	0.00%
Statewide	10,226	4,780	46.74%

B. Baker Act Reporting Center Data Entered from CCIS

The Baker Act Reporting Center began a pilot in December 2023 to explore the logistics and cost of using the Comprehensive Case Information System (CCIS) to locate and enter data from Clerks of Court documents for Baker Act cases for involuntary inpatient and involuntary outpatient services. The concept is that this can be done in lieu of Clerks of Court securely transferring documents to the Baker Act Reporting Center, from which data are entered.⁷ As part of this pilot, basic data elements for all mental health cases, not just Baker Act cases, were entered into a database to determine the number of cases that would need to be viewed to find the Baker Act cases. The Appendix summarizes the Baker Act Reporting Center's access to case information and documents in CCIS, which is limited in certain counties.

The Baker Act Reporting Center entered data the first three months of Fiscal Year 2022-2023 (July-Sept 2022) about the type of “Mental Health” case and the case date. For the remaining nine months of FY 2022-2023, data were only entered for Baker Act cases. This approach was taken because the purpose of entering data from cases that were not Baker Act cases, such as Marchman Act cases and Risk Protection Order cases, was not to have a complete data set for these other case types. Rather, it was to sample several months for all Mental Health case types to determine the logistics of identifying the Baker Act cases. When the data from the pilot were entered, Marchman Act reporting was not statutorily required. As such, once three months of data were entered to be used to explore logistics and cost related to Baker Act data, information about Marchman Act cases was no longer entered. However, this meant that these three months of Marchman Act case data were available for this first annual Marchman Act Report.

An annualized estimate of Marchman Act cases was computed by multiplying the quarter's count by four. There were an estimated **6,092** Marchman Act court cases for FY 2022-2023 that would have been identified by Baker Act Reporting Center staff if data for an entire year were entered for Marchman Act cases identified in CCIS. Note that the OSCA data (Table 4) and the CCIS data (Table 5) count the same thing – Marchman Act court-ordered involuntary services. The FY 2022-2023 case count from the OSCA data was **10,196**, while the annualized estimated from the CCIS entry was **6,092** for FY 2022-2023. The CCIS count is smaller because the Baker Act Reporting Center could not access Marchman Act case information in CCIS for four counties (Collier, Miami-Dade, Palm Beach, and Polk). Differences in the annualized count in certain counties from the CCIS data and the OSCA data suggest that we need to learn more about how cases are counted in the OSCA data and about access to case information in CCIS.

The goal is for the Baker Act Reporting Center to have access to case information for Baker Act and Marchman Act cases in CCIS for all counties. Access to documents in CCIS, not just case information, would allow for the entry of additional details from these documents.

⁷ This pilot is described in the Fiscal Year 2023-2024 Baker Act Annual Report, which is available on the Baker Act Reporting Center's [Documents](#) web page.

Table 5: Marchman Act Case Counts in CCIS for Three Months: July-September 2022⁸

County	Count of Mental Health Cases		Annualized Estimated of Marchman Act Cases	FL Courts (OSCA) Substance Abuse Cases Filed ⁹
	Marchman Act Cases	All Mental Health Cases		
Alachua	41	766	164	113
Baker	<10	27	<30	25
Bay	29	150	116	75
Bradford	0	<10	0	8
Brevard	87	486	348	261
Broward	98	761	392	1,047
Calhoun	<10	11	<20	13
Charlotte	20	247	80	105
Citrus	30	58	120	94
Clay	10	94	40	34
Collier	No Access to case information in CCIS			57
Columbia	15	90	60	60
Desoto	<10	<10	<10	8
Dixie	<10	<10	<10	1
Duval	22	44	88	391
Escambia	0	0	0	185
Flagler	0	43	0	95
Franklin	<10	<10	<10	11
Gadsden	<10	120	<25	34
Gilchrist	<10	<10	<20	0
Glades	<10	<10	<10	21
Gulf	<10	17	<15	10
Hamilton	<10	<10	<10	0
Hardee	<10	11	<30	34
Hendry	<10	<10	<25	27
Hernando	18	408	72	108
Highlands	13	45	52	53
Hillsborough	191	1,636	764	1,065
Holmes	<10	11	<30	18
Indian River	13	86	52	50
Jackson	10	39	40	58
Jefferson	<10	<10	<10	1

⁸ Note that counts are redacted for small cell sizes. All counts below ten are redacted along with their associated percentages. The annualized estimate was redacted by rounding up to the nearest count by fives to the actual count. For example, a count of 28 was redacted to <30, and a count of 22 was redacted to <25.

⁹ The counts from the second column of Table 4 have been included in Table 5 for ease of comparison. These counts are not redacted because they are not redacted in the publicly available counts on the FLCourts website.

County	Count of Mental Health Cases		Annualized Estimated of Marchman Act Cases	FL Courts (OSCA) Substance Abuse Cases Filed ⁹
	Marchman Act Cases	All Mental Health Cases		
Lafayette	0	<10	0	1
Lake	20	152	80	81
Lee	25	783	100	93
Leon	20	331	80	95
Levy	<10	<10	<25	19
Liberty	0	0	0	5
Madison	<10	18	<30	0
Manatee	37	283	148	124
Marion	96	614	384	197
Martin	<10	95	<40	42
Miami-Dade	No Access to case information in CCIS			1,102
Monroe	13	59	52	40
Nassau	<10	24	<25	19
Okaloosa	13	171	52	61
Okeechobee	<10	18	<35	34
Orange	35	960	140	341
Osceola	42	171	168	162
Palm Beach	No Access to case information in CCIS			772
Pasco	70	794	280	250
Pinellas	29	1,222	116	152
Polk	<10	110	<10	366
Putnam	24	46	96	120
Saint Johns	24	100	96	68
Saint Lucie	26	200	104	767
Santa Rosa	10	34	40	360
Sarasota	177	703	708	98
Seminole	0	31	0	82
Sumter	<10	39	<15	12
Suwannee	<10	14	<35	39
Taylor	12	17	48	38
Union	<10	<10	<10	2
Volusia	140	502	560	559
Wakulla	<10	27	<40	36
Walton	<10	28	<10	18
Washington	<10	<10	16	9
Statewide	1,523	12,766	6,092	10,226

C. Marchman Act Protective Custody Data from Sheriff's Offices

In Fall 2023, staff at the Florida Sheriff's Association crafted an email with Baker Act Reporting Center input and sent it to Sheriff's Offices statewide asking for information about Marchman Act protective custody holds. As a result of this effort, 24 Sheriff's Offices provided information in various forms that Baker Act Reporting Center staff used to compile data on protective custody holds for this report, and one replied that they had received the public records request. Four counties that replied to the Baker Act Reporting Center's inquiry and had no Marchman Act Protective Custody Cases in FY 2023-2024 (Columbia, DeSoto, Lake, Okeechobee) ¹⁰. The remaining 20 counties had a total of 3,306 Marchman Act protective custody cases in FY 2023-2024. These counties submitted information to the Baker Act Reporting Center in an Excel file of data (12 counties), data in a table provided in pdf form (six counties), and screenshots of their jail booking system (one county). One county submitted an aggregate count for the fiscal year. These data are summarized in Table 6.

Table 6: Protective Custody Holds for 24 Counties – FY 2023-2024

County	Protective Custody Holds	County	Protective Custody Holds
Brevard	441	Marion	463
Franklin	16	Martin	69
Gilchrist	<10	Nassau	<10
Glades	<10	Okaloosa	99
Hardee	26	Pasco	268
Hendry	13	Pinellas	135
Hernando	95	Santa Rosa	21
Hillsborough	845	Sarasota	584
Indian River	25	Volusia	182
Lee	<10	Wakulla	24
Columbia, DeSoto, Lake, and Okeechobee did not have any Marchman Act protective custody cases in FY 2023-2024.			

It is important to stress that the time between the addition of the Marchman Act annual report requirement to the statute and its due date was six months. We appreciate the Sheriff's Offices that provided information to include in this report, given the short turnaround time for the request and the fact that providing data and/or documents related to Marchman Act involuntary services for the Marchman Act annual report is not required in statute. There was a considerable amount of labor involved in some counties to create a data file or to provide scans of documents from which data were entered. There was not sufficient time to follow up with the Sheriff's Offices that did not reply to the one email sent with the assistance of the Florida Sheriff's Association, in which the Sheriff's Offices were asked for information. Information was not requested from police departments, given the limited time available. Some Sheriff's offices

¹⁰ Note that some of these counties provided information about cases in fiscal years prior to FY 2023-2024, but these were not compiled for this report.

may not have responded because they had no cases. The language in the email that requested information from the Sheriff's offices was broad. The process of seeking information from Sheriff's Offices this year helped clarify more specific guidance to include in future requests. These details can also inform statutory and rule language that needs to be developed to require the submission of data, documents, or aggregate counts to be used for the Marchman Act Annual Report. Some law enforcement agencies may also maintain data and documents for their involvement in Marchman Act involuntary services cases that are not initiated via a form CF MH-4002 as a protective custody hold. For example, law enforcement serve court orders for Marchman Act involuntary services initiated via the court process and may also provide transport. It was clarified with several Sheriff's Offices that Baker Act Reporting Center staff were only seeking data/documents about protective custody holds, at least for this year. It is possible that some of the data files provided contained counts not just for protective custody holds but for instances where law enforcement was involved in other ways in involuntary services cases.

III. Recommendations for Marchman Act Data and Reporting

The Baker Act Reporting Center's experience with Baker Act data, as well as the process of writing about concepts and compiling data for this report, informs the following recommendations:

- Complexity of Needed Data Infrastructure for Marchman Act vs. Baker Act: No current data infrastructure exists for Marchman Act involuntary services for annual reporting. Developing infrastructure for Marchman Act data is more complicated than it is for Baker Act data, which comes from only two entities: Baker Act receiving facilities and Clerks of Court. Developing a plan for comprehensive, statewide data for all elements of the five Marchman Act pathways, as shown in Figure 1, will be a focus in FY 2024-2025. There are complexities to requiring the initiator of the Marchman Act involuntary services process to submit documents or data because there are many types of people who may initiate. There are also complexities to requiring the entity that is the destination for the Marchman Act involuntary services to submit documents or data because this includes several types of entities (jails, detox programs, substance abuse treatment facilities, and hospitals).
- Combined Approach to Acquiring Documents and Data is Recommended: The Department may consider the development of a system for the entry of data into an online system that is similar to the Baker Act Data Collection System. It will be less onerous for certain entities involved in Marchman Act involuntary services to enter data than others. A combined approach similar to what currently exists for Baker Act data is recommended. For example, as of July 2023, Baker Act receiving facilities enter data into the Baker Act Data Collection system, and the Baker Act Reporting Center entered data from Clerks of Court documents. The submission of Marchman Act involuntary services documents or data files to the Baker Act Reporting Center may also work, such as from Sheriff's Offices and Police Departments.

- Some counties have few, well less than 10, protective custody holds in a year. This lends itself to the Sheriff's Office securely transferring documents to the Baker Act Reporting Center rather than creating a data file for only a few records. The infrastructure to provide information, whether it be scans of documents or data files, varies between counties. Some Sheriff's Offices maintain extensive data that can be regularly transmitted to the Baker Act Reporting Center.
- Both Sheriff's Offices and Police Departments Are Involved in the Marchman Act Involuntary Services Process: Note that most Florida law enforcement agencies (306 out of 373, 82 percent) are not Sheriff's Offices. Rather, they are Police Departments. There is variability in whether and how Sheriff's Offices maintain data and/or copies of documents for protective custody holds initiated by Police Departments. For example, some Sheriff's Offices maintain documents or data for Police Departments in their county. Some Sheriff's Offices do not maintain documents or data for Police Departments in their county, so the documents and/or data must be obtained from Police Departments to use for the Marchman Act Annual Report.
- An Updated Marchman Act User Reference Guide and Dissemination of Information About Current Forms is Needed: One county that submitted copies of form CF-MH 4002 to the Baker Act Reporting Center was using the form contained in the last Marchman Act User Reference Guide, which was published over twenty years ago. The latest version of form CF-MH 4002 is from 2018. This suggests the need for an updated *Marchman Act User Reference Guide* and the need for an effort to provide guidance about how to find updated forms.
- Demographic Information Needs to be Added to Certain Forms: The forms CF-MH 4002 and CF-MH 4057 do not provide a structure for the consistent collection of demographic information. This issue for Baker Act forms was addressed in 1999 with the addition of a Cover Sheet (form CF-MH 3118) that was submitted for each involuntary examination and from which data were entered. This form contains fields for demographic information such as name, data of birth, gender, race, Hispanic origin, social security number, as well as county and zip code of residence. Demographics can only be included in the Marchman Act Annual Report if they are on the documents and/or in the data files provided for the Annual Report. This suggests the need to revise certain documents to add fields for this demographic information.

Considerations for Statutory and Florida Administrative Code (Rule) Language

- Statutory and Rule Language Needs to Consider the Resources Required for Certain Entities to Submit Documents, Provide Data, or Enter Data: The Baker Act Reporting Center's guidance and the statutory and rule language developed to structure the document/data submission requirements need to be mindful of the labor involved for whatever system is developed for entities required to submit documents, data, or to enter data.

- Requirements in Statute and Rule for the Submission of Documents and/or Data Need to be Clear on Certain Issues:
 - That the requirement for submission of documents or data is not considered a public records request,
 - Whether or not the data must contain individual identifiers and, if so, what identifiers are required,
 - The timing requirements for submission of data and documents need to be clear. This language needs to be developed within the context of data through June 30th being required in an annual report due December 31st each year. Such a short turnaround time means that the annual submission of documents and data is insufficient to provide time to organize those data files and enter data from documents to create the Annual Report.
- Statutory and Rule Language Needs to Be Clear About the Specifics of What Entity is Required to Submit Certain Data and Documents: Law enforcement agencies are involved in multiple pathways used to initiate Marchman Act involuntary services. For example, law enforcement serve court orders for involuntary assessment and treatment and transports people to service providers for several of the Marchman Act pathways, in addition to initiating protective custody holds. Statutory requirements and rule language need to be clear about document/data requirements for law enforcement agencies within the context of the multiple ways they are involved in the Marchman Act involuntary services process and other means of obtaining documents and data for some of the ways law enforcement is involved with involuntary services.
 - Statutory language and rules for Baker Act data and document submission can be a guide. For example, the Baker Act receiving facilities could technically submit documents and data for both involuntary examination and involuntary inpatient and outpatient services. However, the statutory language and rule specify that Baker Act receiving facilities enter data and upload documents for involuntary examinations, while Clerks of Court provide documents for involuntary inpatient/outpatient services.
 - **The Baker Act Reporting Center's recommendation is to require Clerks of Court to submit documents or allow access to documents in CCIS for data entry for court ordered Marchman Act involuntary services. Then, to develop a statute and rule language for what entity must submit data or documents for the Marchman Act involuntary services that do not involve the courts.**

V. Appendix: Baker Act Reporting Center – Access to Documents in CCIS

Table A summarizes Baker Act Reporting Center access to case information and documents in the Comprehensive Case Information System (CCIS). Key variables, such as the types and dates of petitions and orders, can be accessed without opening documents. Columns A and C show the Baker Act Reporting Center's access to case information in CCIS. Data for more variables can be obtained by accessing documents in CCIS, the access to which is shown in columns B and D.

Table A: Accessibility in CCIS by County for the Baker Act Reporting Center

✓ = Yes — = N/A No Receiving Facility ✗ = No

County	Marchman Act Cases		Baker Act Cases	
	A	B	C	D
	Access to View if a Case was Filed	Case Documents Viewable	Access to View if a Case Was Filed	Case Documents Viewable
Alachua	✓	✓	✓	✓
Baker	✓	✓	—	—
Bay	✓	✓	✓	✗
Bradford	✓	✓	—	—
Brevard	✓	✓	✓	✓
Broward	✓	✓	✓	✓
Calhoun	✓	✓	—	—
Charlotte	✓	✓	✓	✓
Citrus	✓	✓	—	—
Clay	✓	✗	✓	✗
Collier	✗	✗	✗	✗
Columbia	✓	✓	✓	✓
Desoto	✓	✓	—	—
Dixie	✓	✓	—	—
Duval	✓	✓	✗	✗
Escambia	✓	✗	✓	✗
Flagler	✓	✗	—	—
Franklin	✓	✓	—	—
Gadsden	✓	✓	—	—
Gilchrist	✓	✓	—	—
Glades	✓	✓	—	—
Gulf	✓	✓	—	—
Hamilton	✓	✓	—	—
Hardee	✓	✓	—	—
Hendry	✓	✓	—	—
Hernando	✓	✗	✓	✗
Highlands	✓	✓	—	—
Hillsborough	✓	✓	✓	✗

County	Marchman Act Cases		Baker Act Cases	
	A	B	C	D
	Access to View if a Case was Filed	Case Documents Viewable	Access to View if a Case Was Filed	Case Documents Viewable
Holmes	✓	✓	—	—
Indian River	✓	✓	✓	✓
Jackson	✓	✓	—	—
Jefferson	✓	✓	—	—
Lafayette	✓	✓	—	—
Lake	✓	✓	✓	✓
Lee	✓	✓	✓	✓
Leon	✓	✓	✓	✓
Levy	✓	✓	—	—
Liberty	✓	✓	—	—
Madison	✓	✓	—	—
Manatee	✓	✓	✓	✗
Marion	✓	✓	✓	✓
Martin	✓	✓	✓	✓
Miami-Dade	✗	✗	✗	✗
Monroe	✓	✓	✓	✓
Nassau	✓	✓	—	—
Okaloosa	✓	✓	✓	✗
Okeechobee	✓	✓	—	—
Orange	✓	✗	✓	✗
Osceola	✓	✓	✓	✗
Palm Beach	✗	✗	✗	✗
Pasco	✓	✓	✓	✓
Pinellas	✓	✓	✓	✗
Polk	✗	✗	✗	✗
Putnam	✓	✓	—	—
Saint Johns	✓	✗	—	—
Saint Lucie	✓	✗	✓	✗
Santa Rosa	✓	✗	✗	✗
Sarasota	✓	✓	✓	✓
Seminole	✓	✗	✓	✓
Sumter	✓	✓	—	—
Suwannee	✓	✓	—	—
Taylor	✓	✓	—	—
Union	✓	✓	—	—
Volusia	✓	✓	✓	✓
Wakulla	✓	✓	—	—
Walton	✓	✓	—	—
Washington	✓	✓	—	—