

MARCHMAN ACT – BAKER ACT

OVERVIEW

Marchman Act – Florida’s Substance Abuse Impairment Act provides assistance to individuals in need of emergency services and temporary detention due to substance abuse.

Baker Act – is a means of providing individuals with emergency services and temporary detention for mental health evaluation and treatment when required (often referred to as an Ex Parte Order).

ONLINE RESOURCES

Marchman Act

- [Florida Statutes Chapter 397](#) – Hal S. Marchman Alcohol and Other Drug Services Act.
- The Hillsborough County Clerk of the Court [Mental Health FAQs on the Marchman Act](#) (Court Services > Mental Health > Mental Health and Risk Protection Orders) – Discusses the 2 steps involved in filing a Marchman Act case. Step 1: Petition for Involuntary Assessment and Stabilization, and Step 2: Petition for involuntary treatment.
- The Thirteenth Judicial Circuit (Hillsborough County) [Petition and Affidavit for Involuntary Assessment and Stabilization](#) (Court Programs > Problem Solving Courts > Marchman Act Drug Treatment Court > Forms > Assessment Petition)
- The Thirteenth Judicial Circuit (Hillsborough County) [Petition for Involuntary Substance Abuse Treatment](#) (Court Programs > Problem Solving Courts > Marchman Act Drug Treatment Court > Forms > Treatment Petition)
- Florida Department of Children and Families [Marchman Act Forms – Mandatory and Recommended](#) (Services > Substance Abuse and Mental Health > Crisis Services > Marchman Act)

Backer Act

- [Florida Statutes Chapter 394](#) – Florida Mental Health Act or Baker Act.
- The Hillsborough County Clerk of the Court [Mental Health FAQs on the Baker Act](#) (Court Services > Mental Health > Mental Health and Risk Protection Orders) – Discusses procedure providing for court ordered emergency pickup and evaluation for persons who are mentally ill and refuse to seek treatment. Includes information on who can file and where to file a Baker Act Petition.
- Florida Department of Children and Families [Baker Act Forms – Mandatory and Recommended](#) (Services > Substance Abuse and Mental Health > Crisis Services > Baker Act > Forms)

RESOURCES IN THE JAMES J. LUNSFORD LAW LIBRARY

Marchman Act

1. Florida Jur2d, Thomson Reuters, Volume 16B, Criminal Law – Substantive Principles / Offences, Substance Abuse Treatment Services, sections 1413 – 1417.
2. Westlaw is available for customer use at the following branches: James J. Lunsford Law Library, John F. Germany Library and Robert W. Saunders, Sr. Public Library.

Backer Act

3. Florida Jur2d, Thomson Reuters, Volume 29, Incompetent Persons, Placement, Hospitalization, Care, and Treatment of Mentally Ill Persons, In General, sections 59 – 80 and sections 83 – 120.
4. Ehrhardt’s Florida Evidence (West’s Florida Practice Series), Thomson Reuters, Volume 1, Psychotherapist-Patient Privilege-Exceptions, section 503.5 (2022 Edition).
5. Westlaw is available for customer use at the following branches: James J. Lunsford Law Library, John F. Germany Library and Robert W. Saunders, Sr. Public Library.

NOTICE: This research guide is based on information gathered from the resources cited above. For more information on this or other legal topics visit the James J. Lunsford Law Library.

IF YOU ARE ACTING AS YOUR OWN ATTORNEY, YOU ARE RESPONSIBLE FOR EVERYTHING THAT INVOLVES YOUR CASE.

Remember: Check with the Clerk of the Court for filing fees/court costs.