

FIFTH DISTRICT COURT OF APPEAL OF FLORIDA

Department of Children and Families v. Kenneth Williams, Jr., and
State of Florida

Williams · No. 5D2026-0954 · Decided May 8, 2026

SUMMARY

The Fifth District Court of Appeal of Florida granted the Department of Children and Families’ petition for writ of certiorari and quashed an order committing Kenneth Williams, Jr. to DCF custody. The court held that the lower court failed to comply with statutory requirements governing revocation of conditional release and involuntary commitment, including the requirement for a sworn affidavit or statement and findings that Williams was manifestly dangerous. The court concluded that these violations constituted a departure from the essential requirements of law and caused irreparable harm to DCF.

CASE DETAILS

COURT	Fifth District Court of Appeal of Florida
WRITING FOR THE COURT	Harris, J.; Wallis, J.; Soud, J.
JURISDICTION	Fifth District Court of Appeal of Florida
DECIDED	May 8, 2026
DOCKET	5D2026-0954
DISPOSITION	quashed
PROCEDURAL POSTURE	The Department of Children and Families petitioned for certiorari review of a circuit court order committing Kenneth Williams, Jr., to DCF custody.
STANDARD OF REVIEW	Certiorari review requires the petitioner to establish a departure from the essential requirements of law, material injury that will continue throughout the proceeding, and the absence of an adequate remedy by post-judgment appeal. The latter two requirements constitute irreparable harm. After jurisdiction is established, the court determines whether the lower court violated a clearly established principle of law resulting in a miscarriage of justice.
PRECEDENTIAL VALUE	published

PARTIES

Department of Children and Families v. Kenneth Williams, Jr., State of Florida

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QUESTIONS PRESENTED

1. Whether DCF established irreparable harm sufficient to invoke certiorari jurisdiction over the commitment order.
2. Whether the circuit court could revoke Williams's conditional release and recommit him to DCF without an affidavit or statement under oath as required by section 916.17(2), Florida Statutes.
3. Whether the circuit court could commit Williams under section 916.15(2), Florida Statutes, without evidence and a finding that he was mentally ill and manifestly dangerous to himself or others.

HOLDINGS

1. DCF established irreparable harm because it was required to expend appropriated funds in compliance with governing law, had no direct right of appeal, and could not obtain relief in a post-judgment appeal in the criminal proceeding.
2. Section 916.17(2), Florida Statutes, requires an affidavit or statement under oath before a court may revoke a defendant's conditional release, modify release conditions, or consider returning the defendant to DCF custody. An unsworn case-manager letter does not satisfy that prerequisite.
3. A commitment under section 916.15(2), Florida Statutes, requires evidence and a court finding that the defendant has a mental illness and, because of that illness, is manifestly dangerous to himself or herself or others. The circuit court's commitment order was legally insufficient because it contained no such dangerousness finding and the evidence did not support one.

KEY QUOTATIONS

“As a general rule, certiorari is the proper vehicle for seeking this court’s review of orders committing an individual involuntarily.” (at 3)

“In this case, neither an affidavit nor a statement under oath was filed with the lower court, which is a prerequisite to the court’s ability to revoke a defendant’s conditional release and commit the defendant to DCF custody.” (at 4)

“The court’s order contains no finding that Williams presents a danger to himself or others.” (at 4)

FACTUAL BACKGROUND

Williams was placed on conditional release after DCF determined that he no longer met the criteria for continued commitment. His case manager sent the circuit court an unsworn letter alleging that Williams had violated the conditions of release, and Williams was also temporarily held under the Baker Act. A court-appointed expert found Williams competent and opined that he did not meet the criteria for involuntary commitment, but the circuit court nevertheless recommitted him to DCF without finding that he was manifestly dangerous to himself or others.

PROCEDURAL HISTORY

Williams was adjudicated guilty in 2002 and placed on probation. After being found not guilty by reason of insanity in a probation-violation proceeding, he was committed to DCF custody and later placed on conditional release. Following an unsworn letter from his case manager alleging noncompliance, the circuit court appointed a mental-health expert and ultimately recommitted Williams to DCF under sections 916.15(2) and 916.17(2), Florida Statutes. DCF sought certiorari relief, and the Fifth District granted the petition and quashed the commitment order.

DISPOSITION

quashed

CASES CITED

- Dep't of Child. & Fams. v. Campbell, 295 So. 3d 868, 870 (Fla. 5th DCA 2020)
- State v. Victorino, 372 So. 3d 772, 777 (Fla. 5th DCA 2023)
- Dep't of Child. & Fams. v. Despaigne, 348 So. 3d 1221, 1222 (Fla. 5th DCA 2022)
- Dep't of Child. & Fams. v. Lotton, 172 So. 3d 983, 985 (Fla. 5th DCA 2015)
- AVCO Corp. v. Neff, 30 So. 3d 597, 601 (Fla. 1st DCA 2010)
- O'Neill v. O'Neill, 823 So. 2d 837, 839 (Fla. 5th DCA 2002)
- Rich v. Fisher, 655 So. 2d 1149 (Fla. 4th DCA 1995)
- Haines City Cmty. Dev. v. Heggs, 658 So. 2d 523 (Fla. 1995)
- Dep't of Child. & Fams. v. Kirshner, 380 So. 3d 502, 504-05 & n.3 (Fla. 5th DCA 2024)

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