

THE FLORIDA SENATE
2013 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/SB 1420 — Mental Health Treatment

by Health Policy Committee and Senator Sobel

The bill authorizes the admitting physician at a civil or forensic facility operated by the Department of Children and Families to continue psychotherapeutic medications for a client who has been receiving these medications at the jail prior to transfer based on certain conditions. These conditions include the client lacking the capacity to make an informed decision regarding treatment at the time of admission and the physician's clinical judgment that abrupt cessation of the medication could pose a risk to the health or safety of the client while a court order to medicate is pursued. The administrator or designee of the civil or forensic facility must petition the court for an order authorizing the continued treatment of the client within 5 business days after admission. The jail physician must provide a current psychotherapeutic medication order at the time of transfer to the forensic or civil facility or upon request of the admitting physician after the client is evaluated.

The bill requires the court to hold a commitment hearing within 30 days after receiving notification that a defendant, who has been adjudicated not guilty by reason of insanity, no longer meets the criteria for continued commitment. Current law is silent with respect to the timeframe within which the proceeding must be heard.

The bill provides for the dismissal of charges against any defendant, who is adjudicated mentally incompetent to proceed, if he or she remains incompetent 3 (rather than 5) years after the initial competency decision was made, unless the court believes that he or she will become competent in the future. If the defendant was committed in relation to an allegation of certain specified crimes of a violent nature, the period before charge dismissal remains 5 years. The bill preserves the state's ability to refile dismissed charges should the defendant be declared competent to proceed in the future.

The bill also provides additional details for how incompetency is determined in juvenile delinquency cases. It provides a definition for when a child is considered competent and specifies certain components which must be included in a competency evaluation report. Concerning competency evaluations related to mental retardation or autism, the bill requires the evaluator to provide a clinical opinion as to whether the child is competent to proceed with delinquency hearings.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 37-0; House 117-0