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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
3/26/2008	.	
	.	
	.	

1 The Committee on Children, Families, and Elder Affairs (Storms)
 2 recommended the following **amendment**:

Senate Amendment (with title amendments)

Between line(s) 546 and 547

insert and renumber subsequent sections:

7 Section 10. Paragraphs (b), (c), (d), (e), (f), (g), and
 8 (h) of subsection (1) of section 985.19, Florida Statutes, are
 9 amended to read:

985.19 Incompetency in juvenile delinquency cases.--

11 (1) If, at any time prior to or during a delinquency case,
 12 the court has reason to believe that the child named in the
 13 petition may be incompetent to proceed with the hearing, the
 14 court on its own motion may, or on the motion of the child's
 15 attorney or state attorney must, stay all proceedings and order
 16 an evaluation of the child's mental condition.



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17 (b) All determinations of competency shall be made at a
18 hearing, with findings of fact based on an evaluation of the
19 child's mental condition made by not less than two nor more than
20 three experts appointed by the court. The basis for the
21 determination of incompetency must be specifically stated in the
22 evaluation and shall be conducted in such a way as to ensure
23 uniform application of the criteria enumerated in Rules
24 8.095(9) (d), Competence to Proceed; Scope of Examination and
25 Report, subsections 8.095(9) (d) (1) through (4), F.A.C. In
26 ~~addition, a recommendation as to whether residential or~~
27 ~~nonresidential treatment or training is required must be included~~
28 ~~in the evaluation.~~ Experts appointed by the court to determine
29 the mental condition of a child shall be allowed reasonable fees
30 for services rendered. State employees may be paid expenses
31 pursuant to s. 112.061. The fees shall be taxed as costs in the
32 case.

33 (c) All court orders determining incompetency must include
34 specific written findings by the court as to the nature of the
35 incompetency and whether the child requires secure or nonsecure
36 treatment or training environments.

37 (d) Appointed experts shall have completed forensic
38 evaluator training approved by the department within five years
39 prior to conducting evaluations for the court, and each shall be
40 a psychiatrist, licensed psychologist, or physician.

41 ~~(d)~~1. For incompetency evaluations related to mental
42 illness, the Department of Children and Family Services shall
43 maintain and annually provide the courts with a list of available
44 mental health professionals who have completed a training program
45 approved by the Department of Children and Family Services to
46 perform the evaluations. Beginning July 1, 2009, experts will



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47 | remain on the department's registry as long as they have
 48 | completed or retaken the forensic evaluator training within the
 49 | previous five years. Those who have not completed the required
 50 | training within the previous five years will be removed from the
 51 | department's registry and may not conduct evaluations for the
 52 | courts.

53 | 2. Experts are responsible for maintaining documentation of
 54 | completion of the required training and providing the department
 55 | with current contact information during the five-year effective
 56 | date of the required training.

57 |
 58 | ===== T I T L E A M E N D M E N T =====

59 | And the title is amended as follows:

60 | Delete line(s) 56

61 | and insert:

62 | continued commitment placement; amending s. 985.19, F.S.;

63 | requiring that experts appointed in juvenile incompetent

64 | to proceed cases be a psychiatrist, licensed psychologist,

65 | or physician and have completed the forensic evaluator

66 | training within five years prior to conducting evaluations

67 | for the court; providing that beginning July 1, 2009,

68 | experts who have completed or retaken the course within

69 | the last 5 years remain on the registry; requiring experts

70 | on the registry to maintain training course documentation

71 | and provide the department with current information;

72 | requiring the department of