Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)

ADOPTED AS AMENDED _____ (Y/N)

ADOPTED W/O OBJECTION _____ (Y/N)

FAILED TO ADOPT _____ (Y/N)

WITHDRAWN _____ (Y/N)

OTHER _____

1 Committee/Subcommittee hearing bill: Health Care Appropriations
2 Subcommittee
3 Representative Schwartz offered the following:
4
5 **Amendment (with title amendment)**
6 Remove lines 132-147 and insert:
7 Section 3. Section 916.145, Florida Statutes, is amended
8 to read:
9 916.145 Dismissal of charges.—
10 (1) The charges against any defendant adjudicated
11 incompetent to proceed due to mental illness shall be dismissed
12 without prejudice to the state if the defendant remains
13 incompetent to proceed:
14 (a) 3 years after such determination; or
15 (b) 5 years after such determination if the charge related
16 to commitment is:
17 1. Arson;
18 2. Sexual battery;
19 3. Robbery;
20 4. Kidnapping;

21   5. Aggravated child abuse;

22   6. Aggravated abuse of an elderly person or disabled adult;

23   7. Aggravated assault with a deadly weapon;

24   8. Murder;

25   9. Manslaughter;

26   10. Aggravated manslaughter of an elderly person or

27 disabled adult;

28   11. Aggravated manslaughter of a child;

29   12. Unlawful throwing, projecting, placing, or discharging

30 of a destructive device or bomb;

31   13. Armed burglary;

32   14. Aggravated battery; or

33   15. Aggravated stalking.

34 Unless the court, in an order, specifies reasons for believing

35 that the defendant will become competent to proceed, and

36 specifies a reasonable time within which the defendant is

37 expected to become competent.

38   (2) Nothing in this section of law shall be construed to

39 prohibit the state from refiling dismissed charges, should the

40 defendant be declared to be competent to proceed in the future.

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44   **T I T L E   A M E N D M E N T**

45   Remove line 11 and insert:

46 proceed to trial; providing exceptions; amending s. 916.15,

47 F.S.; providing

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