

1 A bill to be entitled
 2 An act relating to mental health and substance abuse
 3 services; amending s. 397.321, F.S.; deleting a
 4 requirement that the Department of Children and
 5 Families develop a certification process by rule for
 6 community substance abuse prevention coalitions;
 7 amending ss. 916.13 and 916.15, F.S.; requiring the
 8 department to request medical information from jails
 9 pertaining to certain defendants within a specified
 10 timeframe; requiring jails to provide such information
 11 to the department within a specified timeframe;
 12 requiring the continued administration of psychotropic
 13 medication to certain defendants upon their discharge
 14 and transfer to jails under certain conditions;
 15 specifying that final authority regarding the
 16 administration of such medication rests with the jail
 17 physician; providing an effective date.

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 19 Be It Enacted by the Legislature of the State of Florida:

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 21 Section 1. Subsection (16) of section 397.321, Florida
 22 Statutes, is amended to read:

23 397.321 Duties of the department.—The department shall:
 24 ~~(16) Develop a certification process by rule for community~~
 25 ~~substance abuse prevention coalitions.~~

26 Section 2. Subsection (2) of section 916.13, Florida
27 Statutes, is amended to read:

28 916.13 Involuntary commitment of defendant adjudicated
29 incompetent.—

30 (2) A defendant who has been charged with a felony and who
31 has been adjudicated incompetent to proceed due to mental
32 illness, and who meets the criteria for involuntary commitment
33 under this chapter, may be committed to the department, and the
34 department shall retain and treat the defendant. Within 2
35 business days after receipt of a commitment order and other
36 documents as required by rule, the department must request from
37 the jail any and all medical information pertaining to the
38 defendant. Within 3 business days after receipt of such a
39 request, the jail shall provide such information to the
40 department.

41 (a) Within 6 months after the date of admission and at the
42 end of any period of extended commitment, or at any time the
43 administrator or designee determines that the defendant has
44 regained competency to proceed or no longer meets the criteria
45 for continued commitment, the administrator or designee shall
46 file a report with the court pursuant to the applicable Florida
47 Rules of Criminal Procedure.

48 (b) A competency hearing shall be held within 30 days
49 after the court receives notification that the defendant is
50 competent to proceed or no longer meets the criteria for

51 continued commitment. The defendant must be transported to the
52 committing court's jurisdiction for the hearing. If the
53 defendant is receiving psychotropic medication at the mental
54 health facility at the time he or she is discharged and
55 transferred to the jail, the administration of such medication
56 shall continue unless the jail physician documents the need to
57 change or discontinue such medication. The jail physician and
58 the department physician shall collaborate to ensure that any
59 medication changes will not adversely affect the defendant's
60 mental health status and ability to continue with court
61 proceedings, with the final authority regarding the
62 administration of medication to an inmate in jail resting with
63 the jail physician.

64 Section 3. Subsections (3) and (5) of section 916.15,
65 Florida Statutes, are amended to read:

66 916.15 Involuntary commitment of defendant adjudicated not
67 guilty by reason of insanity.—

68 (3) Every defendant acquitted of criminal charges by
69 reason of insanity and found to meet the criteria for
70 involuntary commitment may be committed and treated in
71 accordance with the provisions of this section and the
72 applicable Florida Rules of Criminal Procedure. The department
73 shall admit a defendant so adjudicated to an appropriate
74 facility or program for treatment and shall retain and treat
75 such defendant. No later than 6 months after the date of

76 admission, prior to the end of any period of extended
77 commitment, or at any time the administrator or designee shall
78 have determined that the defendant no longer meets the criteria
79 for continued commitment placement, the administrator or
80 designee shall file a report with the court pursuant to the
81 applicable Florida Rules of Criminal Procedure. Within 2
82 business days after receipt of a commitment order and other
83 documents as required by rule, the department shall request from
84 the jail any and all medical information pertaining to the
85 defendant. Within 3 business days after receipt of such a
86 request, the jail shall provide such information to the
87 department.

88 (5) The commitment hearing shall be held within 30 days
89 after the court receives notification that the defendant no
90 longer meets the criteria for continued commitment. The
91 defendant must be transported to the committing court's
92 jurisdiction for the hearing. If the defendant is receiving
93 psychotropic medication at the mental health facility at the
94 time he or she is discharged and transferred to the jail, the
95 administration of such medication shall continue unless the jail
96 physician documents the need to change or discontinue such
97 medication. The jail physician and the department physician
98 shall collaborate to ensure that any medication changes will not
99 adversely affect the defendant's mental health status and
100 ability to continue with court proceedings, with the final

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101 | authority regarding the administration of medication to an
102 | inmate in jail resting with the jail physician.

103 | Section 4. This act shall take effect July 1, 2018.