



122962

LEGISLATIVE ACTION

Senate

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House

The Committee on Children, Families, and Elder Affairs (Baxley) recommended the following:

Senate Amendment (with title amendment)

Delete lines 35 - 93

and insert:

business days after receipt of a commitment order and other
required documents as stipulated in rule, the department must
request from the jail any and all medical information pertaining
to the defendant. Within 3 business days after receipt of such a
request, the jail shall provide such information to the
department.



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11 (a) Within 6 months after the date of admission and at the
12 end of any period of extended commitment, or at any time the
13 administrator or his or her designee determines that the
14 defendant has regained competency to proceed or no longer meets
15 the criteria for continued commitment, the administrator or
16 designee shall file a report with the court pursuant to the
17 applicable Florida Rules of Criminal Procedure.

18 (b) A competency hearing must ~~shall~~ be held within 30 days
19 after the court receives notification that the defendant is
20 competent to proceed or no longer meets the criteria for
21 continued commitment. The defendant must be transported to the
22 committing court's jurisdiction for the hearing. If the
23 defendant is receiving psychotropic medication at a mental
24 health facility at the time he or she is discharged and
25 transferred to the jail, the administering of such medication
26 must continue unless the jail physician documents the need to
27 change or discontinue it. The jail and department physicians
28 shall collaborate to ensure that medication changes do not
29 adversely affect the defendant's mental health status or his or
30 her ability to continue with court proceedings; however, the
31 final authority regarding the administering of medication to an
32 inmate in jail rests with the jail physician.

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

35 916.15 Involuntary commitment of defendant adjudicated not
36 guilty by reason of insanity.—

37 (3) Every defendant acquitted of criminal charges by reason
38 of insanity and found to meet the criteria for involuntary
39 commitment may be committed and treated in accordance with ~~the~~



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40 ~~provisions~~ of this section and the applicable Florida Rules of
41 Criminal Procedure. The department shall admit a defendant so
42 adjudicated to an appropriate facility or program for treatment
43 and shall retain and treat such defendant. No later than 6
44 months after the date of admission, prior to the end of any
45 period of extended commitment, or at any time that the
46 administrator or his or her designee determines ~~shall have~~
47 ~~determined~~ that the defendant no longer meets the criteria for
48 continued commitment placement, the administrator or designee
49 shall file a report with the court pursuant to the applicable
50 Florida Rules of Criminal Procedure. Within 2 business days
51 after receipt of a commitment order and other required documents
52 as stipulated in rule, the department must request from the jail
53 any and all medical information pertaining to the defendant.
54 Within 3 business days after receipt of such a request, the jail
55 shall provide such information to the department.

56 (5) The commitment hearing shall be held within 30 days
57 after the court receives notification that the defendant no
58 longer meets the criteria for continued commitment. The
59 defendant must be transported to the committing court's
60 jurisdiction for the hearing. If the defendant is receiving
61 psychotropic medication at a mental health facility at the time
62 he or she is discharged and transferred to the jail, the
63 administering of such medication must continue unless the jail
64 physician documents the need to change or discontinue it. The
65 jail and department physicians shall collaborate to ensure that
66 medication changes do not adversely affect the defendant's
67 mental health status or his or her ability to continue with
68 court proceedings; however, the final authority regarding the



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69 administering of medication to an inmate in jail rests with the
70 jail physician.

71
72 ===== T I T L E A M E N D M E N T =====

73 And the title is amended as follows:

74 Delete lines 9 - 16

75 and insert:

76 jail within a certain timeframe after receiving a
77 commitment order and other required documentation;
78 requiring the jail to provide such information within
79 a certain timeframe; requiring the continued
80 administration of psychotropic medication to a
81 defendant if he or she is receiving such medication at
82 a mental health facility at the time that he or she is
83 discharged and transferred to the jail; providing an
84 exception; requiring the jail and department
85 physicians to collaborate on a defendant's medication
86 changes for certain purposes; specifying that the jail
87 physician has the final authority regarding the
88 administering of medication to an inmate; providing an