

By Senator Baxley

12-00967A-18

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1                   A bill to be entitled  
2       An act relating to mental health and substance abuse;  
3       amending s. 397.321, F.S.; deleting a provision  
4       requiring the Department of Children and Families to  
5       develop a certification process by rule for community  
6       substance abuse prevention coalitions; amending ss.  
7       916.13 and 916.15, F.S.; requiring the department to  
8       request a defendant's medical information from a  
9       county jail within a certain timeframe after receiving  
10      a completed commitment packet order and other required  
11      documentation; requiring the county jail to provide  
12      such information within a certain timeframe; requiring  
13      that each defendant ordered returned to a county jail  
14      be continued on the same psychotropic medication that  
15      he or she was prescribed upon discharge from a mental  
16      health facility; providing an exception; providing an  
17      effective date.

18  
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.—

12-00967A-18

2018960\_\_

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 completed commitment packet  
36 order and other required documents as stipulated in rule, the  
37 department must request from the county jail any and all medical  
38 information pertaining to the defendant. Within 3 business days  
39 after receipt of such a request, the county jail shall provide  
40 such information to the 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 his or her designee determines that the  
44 defendant has regained competency to proceed or no longer meets  
45 the criteria for continued commitment, the administrator or  
46 designee shall file a report with the court pursuant to the  
47 applicable Florida Rules of Criminal Procedure.

48 (b) A competency hearing must ~~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. Each defendant  
53 who is ordered returned to the county jail must be continued on  
54 the same psychotropic medication that he or she was prescribed  
55 upon discharge by the mental health facility, unless the jail's  
56 physician determines that there is a compelling medical reason  
57 to change or discontinue the medication for the health and  
58 safety of the defendant.

12-00967A-18

2018960\_\_

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

61 916.15 Involuntary commitment of defendant adjudicated not  
62 guilty by reason of insanity.—

63 (3) Every defendant acquitted of criminal charges by reason  
64 of insanity and found to meet the criteria for involuntary  
65 commitment may be committed and treated in accordance with ~~the~~  
66 ~~provisions of~~ this section and the applicable Florida Rules of  
67 Criminal Procedure. The department shall admit a defendant so  
68 adjudicated to an appropriate facility or program for treatment  
69 and shall retain and treat such defendant. No later than 6  
70 months after the date of admission, prior to the end of any  
71 period of extended commitment, or at any time that the  
72 administrator or his or her designee determines ~~shall have~~  
73 ~~determined~~ that the defendant no longer meets the criteria for  
74 continued commitment placement, the administrator or designee  
75 shall file a report with the court pursuant to the applicable  
76 Florida Rules of Criminal Procedure. Within 2 business days  
77 after receipt of a completed commitment packet order and other  
78 required documents as stipulated in rule, the department must  
79 request from the county jail any and all medical information  
80 pertaining to the defendant. Within 3 business days after  
81 receipt of such a request, the county jail shall provide such  
82 information to the department.

83 (5) The commitment hearing shall be held within 30 days  
84 after the court receives notification that the defendant no  
85 longer meets the criteria for continued commitment. The  
86 defendant must be transported to the committing court's  
87 jurisdiction for the hearing. Each defendant who is ordered

12-00967A-18

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88 returned to the county jail must be continued on the same  
89 psychotropic medication that he or she was prescribed upon  
90 discharge by the mental health facility, unless the jail's  
91 physician determines that there is a compelling medical reason  
92 to change or discontinue the medication for the health and  
93 safety of the defendant.

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