

By the Committee on Children, Families, and Elder Affairs; and
Senator Baxley

586-01948-18

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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 jail
9 within a certain timeframe after receiving a
10 commitment order and other required documentation;
11 requiring the jail to provide such information within
12 a certain timeframe; requiring the continued
13 administration of psychotropic medication to a
14 defendant if he or she is receiving such medication at
15 a mental health facility at the time that he or she is
16 discharged and transferred to the jail; providing an
17 exception; requiring the jail and department
18 physicians to collaborate on a defendant's medication
19 changes for certain purposes; specifying that the jail
20 physician has the final authority regarding the
21 administering of medication to an inmate; providing an
22 effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

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

28 397.321 Duties of the department.—The department shall:
29 ~~(16) Develop a certification process by rule for community~~

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30 ~~substance abuse prevention coalitions.~~

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

33 916.13 Involuntary commitment of defendant adjudicated
34 incompetent.—

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

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

53 (b) A competency hearing must ~~shall~~ be held within 30 days
54 after the court receives notification that the defendant is
55 competent to proceed or no longer meets the criteria for
56 continued commitment. The defendant must be transported to the
57 committing court's jurisdiction for the hearing. If the
58 defendant is receiving psychotropic medication at a mental

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59 health facility at the time he or she is discharged and
60 transferred to the jail, the administering of such medication
61 must continue unless the jail physician documents the need to
62 change or discontinue it. The jail and department physicians
63 shall collaborate to ensure that medication changes do not
64 adversely affect the defendant's mental health status or his or
65 her ability to continue with court proceedings; however, the
66 final authority regarding the administering of medication to an
67 inmate in jail rests with the jail physician.

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

70 916.15 Involuntary commitment of defendant adjudicated not
71 guilty by reason of insanity.—

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

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88 any and all medical information pertaining to the defendant.
89 Within 3 business days after receipt of such a request, the jail
90 shall provide such information to the department.

91 (5) The commitment hearing shall be held within 30 days
92 after the court receives notification that the defendant no
93 longer meets the criteria for continued commitment. The
94 defendant must be transported to the committing court's
95 jurisdiction for the hearing. If the defendant is receiving
96 psychotropic medication at a mental health facility at the time
97 he or she is discharged and transferred to the jail, the
98 administering of such medication must continue unless the jail
99 physician documents the need to change or discontinue it. The
100 jail and department physicians shall collaborate to ensure that
101 medication changes do not adversely affect the defendant's
102 mental health status or his or her ability to continue with
103 court proceedings; however, the final authority regarding the
104 administering of medication to an inmate in jail rests with the
105 jail physician.

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