

**By** the Committees on Appropriations; and Children, Families, and Elder Affairs; and Senator Baxley

576-03295-18

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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 s.  
7       397.403, F.S.; excluding certain substance abuse  
8       programs from specified licensure requirements;  
9       amending ss. 916.13 and 916.15, F.S.; requiring the  
10      department to request a defendant's medical  
11      information from a jail within a certain timeframe  
12      after receiving a commitment order and other required  
13      documentation; requiring the jail to provide such  
14      information within a certain timeframe; requiring the  
15      continued administration of psychotropic medication to  
16      a defendant if he or she is receiving such medication  
17      at a mental health facility at the time that he or she  
18      is discharged and transferred to the jail; providing  
19      an exception; requiring the jail and department  
20      physicians to collaborate on a defendant's medication  
21      changes for certain purposes; specifying that the jail  
22      physician has the final authority regarding the  
23      administering of medication to an inmate; providing an  
24      effective date.

25  
26   Be It Enacted by the Legislature of the State of Florida:

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

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30 397.321 Duties of the department.—The department shall:

31 ~~(16) Develop a certification process by rule for community~~  
32 ~~substance abuse prevention coalitions.~~

33 Section 2. Subsection (3) of section 397.403, Florida  
34 Statutes, is amended to read:

35 397.403 License application.—

36 (3) Applications for licensure renewal must include proof  
37 of application for accreditation for each licensed service  
38 component providing clinical treatment by an accrediting  
39 organization that is acceptable to the department for the first  
40 renewal, and proof of accreditation for any subsequent renewals.  
41 This subsection does not apply to inmate substance abuse  
42 programs operated by or under exclusive contract with the  
43 Department of Corrections or jails.

44 Section 3. Subsection (2) of section 916.13, Florida  
45 Statutes, is amended to read:

46 916.13 Involuntary commitment of defendant adjudicated  
47 incompetent.—

48 (2) A defendant who has been charged with a felony, ~~and who~~  
49 has been adjudicated incompetent to proceed due to mental  
50 illness, and ~~who~~ meets the criteria for involuntary commitment  
51 under this chapter, may be committed to the department, and the  
52 department shall retain and treat the defendant. Within 2  
53 business days after receipt of a commitment order and other  
54 required documents as stipulated in rule, the department must  
55 request from the jail any and all medical information pertaining  
56 to the defendant. Within 3 business days after receipt of such a  
57 request, the jail shall provide such information to the  
58 department.

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59 (a) Within 6 months after the date of admission and at the  
60 end of any period of extended commitment, or at any time the  
61 administrator or his or her designee determines that the  
62 defendant has regained competency to proceed or no longer meets  
63 the criteria for continued commitment, the administrator or  
64 designee shall file a report with the court pursuant to the  
65 applicable Florida Rules of Criminal Procedure.

66 (b) A competency hearing must ~~shall~~ be held within 30 days  
67 after the court receives notification that the defendant is  
68 competent to proceed or no longer meets the criteria for  
69 continued commitment. The defendant must be transported to the  
70 committing court's jurisdiction for the hearing. If the  
71 defendant is receiving psychotropic medication at a mental  
72 health facility at the time he or she is discharged and  
73 transferred to the jail, the administering of such medication  
74 must continue unless the jail physician documents the need to  
75 change or discontinue it. The jail and department physicians  
76 shall collaborate to ensure that medication changes do not  
77 adversely affect the defendant's mental health status or his or  
78 her ability to continue with court proceedings; however, the  
79 final authority regarding the administering of medication to an  
80 inmate in jail rests with the jail physician.

81 Section 4. Subsections (3) and (5) of section 916.15,  
82 Florida Statutes, are amended to read:

83 916.15 Involuntary commitment of defendant adjudicated not  
84 guilty by reason of insanity.—

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

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88 ~~provisions of~~ this section and the applicable Florida Rules of  
89 Criminal Procedure. The department shall admit a defendant so  
90 adjudicated to an appropriate facility or program for treatment  
91 and shall retain and treat such defendant. No later than 6  
92 months after the date of admission, prior to the end of any  
93 period of extended commitment, or at any time that the  
94 administrator or his or her designee determines ~~shall have~~  
95 ~~determined~~ that the defendant no longer meets the criteria for  
96 continued commitment placement, the administrator or designee  
97 shall file a report with the court pursuant to the applicable  
98 Florida Rules of Criminal Procedure. Within 2 business days  
99 after receipt of a commitment order and other required documents  
100 as stipulated in rule, the department must request from the jail  
101 any and all medical information pertaining to the defendant.  
102 Within 3 business days after receipt of such a request, the jail  
103 shall provide such information to the department.

104 (5) The commitment hearing shall be held within 30 days  
105 after the court receives notification that the defendant no  
106 longer meets the criteria for continued commitment. The  
107 defendant must be transported to the committing court's  
108 jurisdiction for the hearing. If the defendant is receiving  
109 psychotropic medication at a mental health facility at the time  
110 he or she is discharged and transferred to the jail, the  
111 administering of such medication must continue unless the jail  
112 physician documents the need to change or discontinue it. The  
113 jail and department physicians shall collaborate to ensure that  
114 medication changes do not adversely affect the defendant's  
115 mental health status or his or her ability to continue with  
116 court proceedings; however, the final authority regarding the

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117 administering of medication to an inmate in jail rests with the  
118 jail physician.

119 Section 5. This act shall take effect July 1, 2018.