



857460

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/20/2021	.	
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The Committee on Appropriations (Book) recommended the following:

Senate Amendment (with title amendment)

Between lines 953 and 954

insert:

Section 11. Subsection (2) of section 916.13, Florida Statutes, is amended to read:

916.13 Involuntary commitment of defendant adjudicated incompetent.—

(2) A defendant who has been charged with a felony and who has been adjudicated incompetent to proceed due to mental



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11 illness, and who meets the criteria for involuntary commitment
12 under this chapter, may be committed to the department, and the
13 department shall retain and treat the defendant. For a forensic
14 client who is held in a jail awaiting admission to a facility of
15 the department, and who is likely to regain competence to
16 proceed in the foreseeable future, restoration treatment may be
17 provided at any facility deemed appropriate by the department
18 secretary.

19 (a) Immediately after receipt of a completed copy of the
20 court commitment order containing all documentation required by
21 the applicable Florida Rules of Criminal Procedure, the
22 department shall request all medical information relating to the
23 defendant from the jail. The jail shall provide the department
24 with all medical information relating to the defendant within 3
25 business days after receipt of the department's request or at
26 the time the defendant enters the physical custody of the
27 department, whichever is earlier.

28 (b) Within 6 months after the date of admission and at the
29 end of any period of extended commitment, or at any time the
30 administrator or his or her designee determines that the
31 defendant has regained competency to proceed or no longer meets
32 the criteria for continued commitment, the administrator or
33 designee shall file a report with the court pursuant to the
34 applicable Florida Rules of Criminal Procedure.

35 (c) A competency hearing must be held within 30 days after
36 the court receives notification that the defendant is competent
37 to proceed or no longer meets the criteria for continued
38 commitment. The defendant must be transported to the committing
39 court's jurisdiction for the hearing. If the defendant is



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40 receiving psychotropic medication at a mental health facility at
41 the time he or she is discharged and transferred to the jail,
42 the administering of such medication must continue unless the
43 jail physician documents the need to change or discontinue it.
44 The jail and department physicians shall collaborate to ensure
45 that medication changes do not adversely affect the defendant's
46 mental health status or his or her ability to continue with
47 court proceedings; however, the final authority regarding the
48 administering of medication to an inmate in jail rests with the
49 jail physician.

50 ===== T I T L E A M E N D M E N T =====

51 And the title is amended as follows:

52 Delete line 81

53 and insert:

54 Governor and the Legislature; amending s. 916.13,
55 F.S.; providing that a forensic client who is being
56 held in a jail awaiting admission to a facility of the
57 Department of Children and Families who is likely to
58 regain competence to proceed may receive treatment at
59 any facility designated by the department; providing
60 an effective