

1                                   A bill to be entitled  
 2           An act relating to treatment of defendants adjudicated  
 3           incompetent to stand trial; amending s. 916.13, F.S.;  
 4           providing that a forensic client who is being held in  
 5           a jail awaiting admission to a facility of the  
 6           Department of Children and Families who is likely to  
 7           regain competence to proceed may receive treatment at  
 8           any facility designated by the department; providing  
 9           an effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13           Section 1. Subsection (2) of section 916.13, Florida  
 14 Statutes, is amended to read:

15           916.13 Involuntary commitment of defendant adjudicated  
 16 incompetent.—

17           (2) A defendant who has been charged with a felony and who  
 18 has been adjudicated incompetent to proceed due to mental  
 19 illness, and who meets the criteria for involuntary commitment  
 20 under this chapter, may be committed to the department, and the  
 21 department shall retain and treat the defendant. For a forensic  
 22 client who is held in a jail awaiting admission to a facility of  
 23 the department, and who is likely to regain competence to  
 24 proceed in the foreseeable future, restoration treatment may be  
 25 provided at any facility deemed appropriate by the department

26 secretary.

27 (a) Immediately after receipt of a completed copy of the  
28 court commitment order containing all documentation required by  
29 the applicable Florida Rules of Criminal Procedure, the  
30 department shall request all medical information relating to the  
31 defendant from the jail. The jail shall provide the department  
32 with all medical information relating to the defendant within 3  
33 business days after receipt of the department's request or at  
34 the time the defendant enters the physical custody of the  
35 department, whichever is earlier.

36 (b) Within 6 months after the date of admission and at the  
37 end of any period of extended commitment, or at any time the  
38 administrator or his or her designee determines that the  
39 defendant has regained competency to proceed or no longer meets  
40 the criteria for continued commitment, the administrator or  
41 designee shall file a report with the court pursuant to the  
42 applicable Florida Rules of Criminal Procedure.

43 (c) A competency hearing must be held within 30 days after  
44 the court receives notification that the defendant is competent  
45 to proceed or no longer meets the criteria for continued  
46 commitment. The defendant must be transported to the committing  
47 court's jurisdiction for the hearing. If the defendant is  
48 receiving psychotropic medication at a mental health facility at  
49 the time he or she is discharged and transferred to the jail,  
50 the administering of such medication must continue unless the

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51 jail physician documents the need to change or discontinue it.  
52 The jail and department physicians shall collaborate to ensure  
53 that medication changes do not adversely affect the defendant's  
54 mental health status or his or her ability to continue with  
55 court proceedings; however, the final authority regarding the  
56 administering of medication to an inmate in jail rests with the  
57 jail physician.

58 Section 2. This act shall take effect July 1, 2022.