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576-03082-22

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Health and Human Services)

A bill to be entitled

An act relating to treatment of defendants adjudicated
incompetent to stand trial; amending s. 916.106, F.S.;
revising the definition of the term "forensic
facility"; amending s. 916.13, F.S.; authorizing
restoration treatment at any forensic facility deemed
appropriate by the Department of Children and Families
for a forensic client who meets specified criteria;
providing an effective date.

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

Section 1. Subsection (10) of section 916.106, Florida
Statutes, is amended to read:

916.106 Definitions.—For the purposes of this chapter, the
term:

(10) "Forensic facility" means a separate and secure
facility established within the department or agency, or
contracted using department funding, to serve forensic clients.

A separate and secure facility means a security-grade building
for the purpose of separately housing persons who have mental
illness from persons who have intellectual disabilities or
autism and separately housing persons who have been
involuntarily committed pursuant to this chapter from
nonforensic residents. The term includes a mental health
facility operated by a community mental health provider which
may be colocated in a county jail and which is deemed



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28 appropriate by the department.

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

31 916.13 Involuntary commitment of defendant adjudicated
32 incompetent.—

33 (2) A defendant who has been charged with a felony and who
34 has been adjudicated incompetent to proceed due to mental
35 illness, and who meets the criteria for involuntary commitment
36 under this chapter, may be committed to the department, and the
37 department shall retain and treat the defendant. Restoration
38 treatment for a forensic client who has been committed to the
39 department, who is held in a jail awaiting admission to a
40 forensic facility, and who is likely to regain competence to
41 proceed in the foreseeable future may be provided at any
42 forensic facility deemed appropriate by the department
43 secretary.

44 (a) Immediately after receipt of a completed copy of the
45 court commitment order containing all documentation required by
46 the applicable Florida Rules of Criminal Procedure, the
47 department shall request all medical information relating to the
48 defendant from the jail. The jail shall provide the department
49 with all medical information relating to the defendant within 3
50 business days after receipt of the department's request or at
51 the time the defendant enters the physical custody of the
52 department, whichever is earlier.

53 (b) Within 6 months after the date of admission and at the
54 end of any period of extended commitment, or at any time the
55 administrator or his or her designee determines that the
56 defendant has regained competency to proceed or no longer meets



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57 the criteria for continued commitment, the administrator or
58 designee shall file a report with the court pursuant to the
59 applicable Florida Rules of Criminal Procedure.

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

75 Section 3. This act shall take effect July 1, 2022.