

By Senator Bradley

5-01583-22

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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 Department of Children
6 and Families facility and who is likely to regain
7 competence to proceed may receive treatment at any
8 facility designated by the department; providing an
9 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

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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
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.