

By the Committee on Children, Families, and Elder Affairs; and
Senator Bradley

586-02591-22

20221600c1

1 A bill to be entitled

2 An act relating to treatment of defendants adjudicated
3 incompetent to stand trial; amending s. 916.106, F.S.;
4 revising the definition of the term "forensic
5 facility"; amending s. 916.13, F.S.; providing that a
6 forensic client who is being held in a jail awaiting
7 admission to a Department of Children and Families
8 facility and who is likely to regain competence to
9 proceed may receive treatment at any facility
10 designated by the department; providing an effective
11 date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Subsection (10) of section 916.106, Florida
16 Statutes, is amended to read:

17 916.106 Definitions.—For the purposes of this chapter, the
18 term:

19 (10) "Forensic facility" means a separate and secure
20 facility established within the department or agency to serve
21 forensic clients. A separate and secure facility means a
22 security-grade building for the purpose of separately housing
23 persons who have mental illness from persons who have
24 intellectual disabilities or autism and separately housing
25 persons who have been involuntarily committed pursuant to this
26 chapter from nonforensic residents. The term includes a mental
27 health facility operated by a community mental health provider
28 which may be colocated in a county jail and which is deemed
29 appropriate by the department.

586-02591-22

20221600c1

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

32 916.13 Involuntary commitment of defendant adjudicated
33 incompetent.—

34 (2) A defendant who has been charged with a felony and who
35 has been adjudicated incompetent to proceed due to mental
36 illness, and who meets the criteria for involuntary commitment
37 under this chapter, may be committed to the department, and the
38 department shall retain and treat the defendant. For a forensic
39 client who is held in a jail awaiting admission to a facility of
40 the department, and who is likely to regain competence to
41 proceed in the foreseeable future, restoration treatment may be
42 provided at any 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
57 the criteria for continued commitment, the administrator or
58 designee shall file a report with the court pursuant to the

586-02591-22

20221600c1

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.