

**By** the Committees on Appropriations; and Children, Families, and Elder Affairs; and Senator Bradley

576-03560-22

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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. 916.106, F.S.;  
4           revising the definition of the term "forensic  
5           facility"; amending s. 916.13, F.S.; authorizing  
6           restoration treatment at any forensic facility deemed  
7           appropriate by the Department of Children and Families  
8           for a forensic client who meets specified criteria;  
9           providing 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 (10) of section 916.106, Florida  
14           Statutes, is amended to read:

15           916.106 Definitions.—For the purposes of this chapter, the  
16           term:

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

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

29           Section 2. Subsection (2) of section 916.13, Florida

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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  
57 the criteria for continued commitment, the administrator or  
58 designee shall file a report with the court pursuant to the

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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.