

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

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**BILL #:** [HB 569](#)

**TITLE:** Forensic Client Services

**SPONSOR(S):** Chaney and Maney

**COMPANION BILL:** [SB 778](#) (Simon)

**LINKED BILLS:** None

**RELATED BILLS:** [SB 778](#) (Simon)

### Committee References

[Human Services](#)

17 Y, 0 N

[Health Care Budget](#)

[Health & Human Services](#)

## SUMMARY

### Effect of the Bill:

The bill authorizes the Agency for Persons with Disabilities (APD) to house non-forensic clients and forensic clients within the same wards in secure APD facilities.

The bill is effective July 1, 2026.

### Fiscal or Economic Impact:

The bill may have an indeterminate positive fiscal impact on APD by reducing duplicative staffing efforts across multiple wards within APD-operated, secure facilities.

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## ANALYSIS

### EFFECT OF THE BILL:

#### Forensic Clients

The bill amends the definition of “forensic client” in [ch. 916, F.S.](#), to include defendants found incompetent to proceed to trial due to an intellectual disability or autism whose charges have been dismissed and are ordered by the court to remain in involuntary residential services in a secure [forensic facility](#) operated by the [Agency for Persons with Disabilities](#) (APD). This will allow such clients to be housed on the same ward in a secure forensic facility as other forensic clients committed to APD, resulting in more efficient utilization of APD’s facilities.

The bill is effective July 1, 2026.

### FISCAL OR ECONOMIC IMPACT:

#### STATE GOVERNMENT:

The bill is expected to have an indeterminate positive fiscal impact on APD resulting from cost savings associated with a reduction in duplication of staffing across APD-operated, secure facilities. According to APD, combining living areas for residents who are currently prohibited by statute from residing on the same ward in an APD-operated facility will allow staff resources to be used more efficiently and create increased flexibility with managing bed space.<sup>1</sup>

<sup>1</sup> Agency for Persons with Disabilities, Agency Analysis of 2026 House Bill 569, p. 4 (Nov. 14, 2025).

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### Agency for Persons with Disabilities

The Agency for Persons with Disabilities was created to serve the needs of Floridians with developmental disabilities. APD works in partnership with local communities and private providers to assist people who have developmental disabilities and their families. APD serves more than 60,000 individuals with autism, cerebral palsy, spina bifida, intellectual disabilities, down syndrome, Prader-Willi syndrome, and Phelan-McDermid syndrome.<sup>2</sup>

#### Criminal Defendants – Pre Trial

The Due Process Clause of the 14th Amendment to the United States Constitution prohibits the states from trying and convicting defendants who are incompetent to stand trial.<sup>3</sup> The states must have procedures in place that adequately protect the defendant's right to a fair trial, which includes his or her participation in all material stages of the process.<sup>4</sup> Defendants must be able to appreciate the range and nature of the charges and penalties that may be imposed, understand the adversarial nature of the legal process, and disclose to counsel facts pertinent to the proceedings. Defendants also must manifest appropriate courtroom behavior and be able to testify relevantly.<sup>5</sup>

If a defendant is suspected of being incompetent, the court, counsel for the defendant, or the state may file a motion for examination to have the defendant's cognitive state assessed.<sup>6</sup> If the motion is granted, the court will appoint experts to evaluate the defendant's cognitive state. The defendant's competency is then determined by the judge in a subsequent hearing.<sup>7</sup> If the defendant is found to be competent, the criminal proceeding resumes.<sup>8</sup> If the defendant is found to be incompetent to proceed, the proceeding may not resume unless competency is restored.<sup>9</sup>

#### Criminal Defendants – Charges Dismissed

If the court finds that a defendant remains incompetent to stand trial or proceed with a probation or community control<sup>10</sup> violation hearing, and the court has not specified in its order its reasons for believing the defendant is expected to become competent to proceed in the foreseeable future, the charge(s):<sup>11</sup>

- Shall be dismissed without prejudice 5 years after the determination of incompetency was made for a felony charge;
- Shall be dismissed without prejudice 1 year after the determination of incompetency was made for a misdemeanor charge;<sup>12</sup>
- Shall be dismissed without prejudice no later than 2 years after the determination of incompetency due to intellectual disability or autism was made for a felony charge;
- Shall be dismissed without prejudice no later than 1 year after the determination of incompetency due to intellectual disability or autism was made for a misdemeanor charge;<sup>13</sup>

<sup>2</sup> Agency for Persons with Disabilities, *About Us*, <https://apd.myflorida.com/about/> (last visited Dec. 18, 2025).

<sup>3</sup> *Pate v. Robinson*, 383 U.S. 375, 86 S.Ct. 836, 15 L.Ed. 815 (1966); *Bishop v. U.S.*, 350 U.S. 961, 76 S.Ct. 440, 100 L.Ed. 835 (1956); *Jones v. State*, 740 So.2d 520 (Fla. 1999).

<sup>4</sup> Id. See also [Rule 3.210\(a\)\(1\), Fla.R.Crim.P.](#)

<sup>5</sup> Id. See also ss. [916.12](#), [916.3012](#), and [985.19](#), F.S.

<sup>6</sup> [Rule 3.210, Fla.R.Crim.P.](#)

<sup>7</sup> Id.

<sup>8</sup> [Rule 3.212, Fla.R.Crim.P.](#)

<sup>9</sup> Id.

<sup>10</sup> "Community control" means a form of intensive, supervised custody in the community, including surveillance on weekends and holidays, administered by officers with restricted caseloads. Community control is an individualized program in which the freedom of an offender is restricted within the community, home, or noninstitutional residential placement and specific sanctions are imposed and enforced. See [S. 948.001\(3\), F.S.](#)

<sup>11</sup> [Rule 3.213, Fla.R.Crim.P.](#)

<sup>12</sup> [Rule 3.213\(a\)\(1\), Fla.R.Crim.P.](#)

<sup>13</sup> Section [916.303](#), F.S. and [Rule 3.213\(a\)\(2\), Fla.R.Crim.P.](#)

- May be dismissed without prejudice 3 years after the determination of incompetency due to mental illness was made, except for charges listed in [s. 916.145, F.S.](#)<sup>14</sup>; or
- Shall be dismissed without prejudice after a finding that the defendant adjudicated incompetent to proceed due to mental illness has remained incompetent for 5 continuous and uninterrupted years.<sup>15</sup>

The state may refile dismissed charges if the defendant is declared competent to proceed in the future.<sup>16</sup>

### State Forensic System

The state forensic system is a network of state facilities and community services for persons who have mental health issues, an intellectual disability, or autism and who are involved with the criminal justice system. The state forensic system treats a defendant sufficiently to restore competency (that is, the ability to understand and participate in the criminal court proceedings), and provides longer-term treatment for defendants adjudged guilty by reason of insanity or whose charges have been dismissed but still require a secure placement per court order. The system is governed by [ch. 916, F.S.](#), and administered by the Department of Children and Families (DCF) and APD, as appropriate.<sup>17</sup> DCF is responsible for treatment of forensic clients who have been determined incompetent to proceed due to a mental illness or who have been acquitted of a felony by reason of insanity.<sup>18</sup> Alternatively, APD is responsible for training forensic clients who are developmentally disabled due to intellectual disability or autism and have been determined incompetent to proceed to support their transition back to the court system or a less restrictive setting.<sup>19</sup>

Offenders who are charged with a felony and adjudicated incompetent to proceed,<sup>20</sup> and offenders who are adjudicated not guilty by reason of insanity, may be involuntarily committed to state civil<sup>21</sup> and forensic<sup>22</sup> treatment facilities by the circuit court,<sup>23</sup> or in lieu of such commitment, may be released on conditional release<sup>24</sup> by the circuit court if the person is not serving a prison sentence.<sup>25</sup> Conditional release is release into the

<sup>14</sup> Charges listed in [s. 916.145, F.S.](#) are: arson; sexual battery; robbery; kidnapping; aggravated child abuse; aggravated abuse of an elderly person or disabled adult; aggravated assault with a deadly weapon; murder; manslaughter; aggravated manslaughter of an elderly person or disabled adult; aggravated manslaughter of a child; unlawful throwing, projecting, placing, or discharging of a destructive device or bomb; armed burglary; aggravated battery; aggravated stalking; a forcible felony; an offense where an element of the offense requires the possession, use, or discharge of a firearm; an offense allegedly committed by a defendant who has had a forcible or violent felony conviction within the 5 years immediately preceding the date of arrest for the nonviolent felony sought to be dismissed; an offense allegedly committed by a defendant who, after having been found incompetent and placed under court supervision in a community-based program, is formally charged by a state attorney or the Office of the Statewide Prosecutor with a new felony offense; or an offense for which there is an identifiable victim and such victim has not consented to the dismissal.

<sup>15</sup> Section [916.145\(1\), F.S.](#) and [Rule 3.213\(a\)\(4\), Fla.R.Crim.P.](#)

<sup>16</sup> Section [916.145\(2\), F.S.](#), and [916.303\(1\), F.S.](#), and [Rule 3.213, Fla.R.Crim.P.](#)

<sup>17</sup> [S. 916.105\(1\), F.S.](#)

<sup>18</sup> [S. 916.106\(7\), F.S.](#)

<sup>19</sup> [S. 916.106\(1\), F.S.](#)

<sup>20</sup> "Incompetent to proceed" means "the defendant does not have sufficient present ability to consult with her or his lawyer with a reasonable degree of rational understanding" or "the defendant has no rational, as well as factual, understanding of the proceedings against her or him." [s. 916.12\(1\), F.S.](#)

<sup>21</sup> A "civil facility" is: a mental health facility established within the Department of Children and Families (DCF) or by contract with DCF to serve individuals committed pursuant to [chapter 394, F.S.](#), and defendants pursuant to [chapter 916, F.S.](#), who do not require the security provided in a forensic facility; or an intermediate care facility for the developmentally disabled, a foster care facility, a group home facility, or a supported living setting designated by the Agency for Persons with Disabilities (APD) to serve defendants who do not require the security provided in a forensic facility. Section [916.106\(4\), F.S.](#)

<sup>22</sup> A "forensic facility" is a separate and secure facility established within DCF or APD to service 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 [chapter 916, F.S.](#), from non-forensic residents. Section [916.106\(10\), F.S.](#)

<sup>23</sup> Sections [916.13](#), [916.15](#), and [916.302, F.S.](#)

<sup>24</sup> Conditional release is release into the community accompanied by outpatient care and treatment or community-based training. Sections [916.17](#) and [916.304, F.S.](#)

<sup>25</sup> Sections [916.17\(1\)](#) and [916.304\(1\), F.S.](#)

community accompanied by outpatient care and treatment. The committing court retains jurisdiction over the defendant while the defendant is under involuntary commitment or conditional release.<sup>26</sup>

Section [916.302, F.S.](#), sets forth the criteria under which a court may involuntarily commit a defendant charged with a felony who has been adjudicated incompetent to proceed due to an intellectual disability or autism. Under current law, such defendants are defined as “[forensic clients](#)” and are committed to APD.<sup>27</sup> Section [916.303\(3\), F.S.](#), sets for the criteria under which a court may involuntarily commit a defendant found incompetent to proceed due to intellectual disability or autism and whose charges have been dismissed. Such individuals are not defined as “forensic clients” under current law, but may remain committed to APD by court order because they are considered to lack sufficient capacity to give informed consent and the basic survival and self-care skills to provide for their own well-being, or are likely to injure themselves or others.<sup>28</sup> Additionally, current law prohibits housing individuals who have been involuntarily committed pursuant to [ch. 916, F.S.](#), from nonforensic residents, which contributes to an underutilization of beds on wards in APD-operated secure facilities.<sup>29</sup>

### [State Treatment Facilities](#)

APD oversees two state-operated, secure residential forensic facilities known as the Developmental Disabilities Defendant Program (DDDP) and Pathways, both of which serve individuals with intellectual and developmental disabilities involved in the criminal justice system. DDDP is located on the campus of Florida State Hospital in Chattahoochee and Pathways is located on the campus of Sunland Center in Marianna. The primary objective of these forensic programs is to provide behavioral, social, and competency training to support individuals in their transition back to the court system or to a less restrictive, non-secure setting.<sup>30</sup>

DDDP is a 146-bed secure facility that provides behavioral, medical, psychological, trial competency, rehabilitation, and vocational training services. Pathways is a 34-bed facility behavioral modification program in which residents are provided with a secure setting to receive rehabilitation and vocational training.<sup>31</sup>

As of November 1, 2025, DDDP housed 95 residents and Pathways housed 32 residents. Between the two facilities, 87% of residents are male and 13% are female. Seventy-two percent (72%) of residents are between 16 and 39 years old, 23% are between 40 and 54 years old, and 5% are 55 years of age or older.<sup>32</sup>

According to APD, approximately 20% of beds are underutilized at DDDP and Pathways at any given time because residents in those facilities must be separated by sex and due to the statutory requirements of [ch. 916, F.S.](#), that prevent forensic clients from being housed with nonforensic clients. When the number of residents residing in DDDP or Pathways increases, the limited space impacts the separation of residents by behavioral appropriateness. Such statutory housing requirements also contribute to duplication of APD resources related to staffing and classes offered to residents.<sup>33</sup>

There are 369 filled FTE positions across DDDP and Pathways with a resident to staff ratio of 6:1 or 5:1 dependent on the behavioral challenges exhibited by residents. According to APD, ratios may change based on the behavioral makeup of residents on a ward as well as shift time. More staff are needed on wards that have behaviorally challenging residents during the waking hours as opposed to night shift when residents are asleep. If residents

<sup>26</sup> Sections [916.16\(1\)](#) and [916.3025, F.S.](#)

<sup>27</sup> [S. 916.106\(9\), F.S.](#)

<sup>28</sup> [S. 916.303\(3\), F.S.](#)

<sup>29</sup> [S. 916.106\(10\), F.S.](#) and Agency for Persons with Disabilities, Agency Analysis of 2026 House Bill 569, p. 3 (Nov. 14, 2025).

<sup>30</sup> Agency for Persons with Disabilities, *Facilities*, available at <https://apd.myflorida.com/facilities/> (last visited Dec. 18, 2025).

<sup>31</sup> Agency for Persons with Disabilities, *DDDP and Pathways*, available at <https://apd.myflorida.com/facilities/dddp.htm> (last visited Dec. 18, 2025).

<sup>32</sup> *Supra*, note 1 at p. 2.

<sup>33</sup> *Id.* at p. 3.

from multiple wards are permitted by statute to be housed together on one ward, staff resources can be utilized in a more efficient manner.<sup>34</sup>

## BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Human Services Subcommittee</a>	17 Y, 0 N	1/13/2026	Mitz	Morris
<a href="#">Health Care Budget Subcommittee</a>				
<a href="#">Health &amp; Human Services Committee</a>				

<sup>34</sup> Email from Emily Reeves, Director of Legislative Affairs, Agency for Persons with Disabilities, RE: Data Request on APD Agency Bill (Dec. 19, 2025).