

1 A bill to be entitled
 2 An act relating to mental health and substance abuse
 3 services; amending s. 397.321, F.S.; deleting a
 4 requirement that the Department of Children and
 5 Families develop a certification process by rule for
 6 community substance abuse prevention coalitions;
 7 amending ss. 916.13 and 916.15, F.S.; requiring the
 8 department to request medical information from jails
 9 pertaining to certain defendants within a specified
 10 timeframe; requiring jails to provide such information
 11 to the department within a specified timeframe;
 12 requiring the continued administration of psychotropic
 13 medication to certain defendants upon their discharge
 14 and transfer to jails under certain conditions;
 15 providing an effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

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 19 Section 1. Subsection (16) of section 397.321, Florida
 20 Statutes, is amended to read:

21 397.321 Duties of the department.—The department shall:
 22 ~~(16) Develop a certification process by rule for community~~
 23 ~~substance abuse prevention coalitions.~~

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

26 916.13 Involuntary commitment of defendant adjudicated
27 incompetent.—

28 (2) A defendant who has been charged with a felony and who
29 has been adjudicated incompetent to proceed due to mental
30 illness, and who meets the criteria for involuntary commitment
31 under this chapter, may be committed to the department, and the
32 department shall retain and treat the defendant. Within 2
33 business days after receipt of a commitment order and other
34 documents as required by rule, the department must request from
35 the jail any and all medical information pertaining to the
36 defendant. Within 3 business days after receipt of such a
37 request, the jail shall provide such information to the
38 department.

39 (a) Within 6 months after the date of admission and at the
40 end of any period of extended commitment, or at any time the
41 administrator or designee determines that the defendant has
42 regained competency to proceed or no longer meets the criteria
43 for continued commitment, the administrator or designee shall
44 file a report with the court pursuant to the applicable Florida
45 Rules of Criminal Procedure.

46 (b) A competency hearing shall be held within 30 days
47 after the court receives notification that the defendant is
48 competent to proceed or no longer meets the criteria for
49 continued commitment. The defendant must be transported to the
50 committing court's jurisdiction for the hearing. If the

51 defendant is receiving psychotropic medication at the mental
52 health facility at the time he or she is discharged and
53 transferred to the jail, the administration of such medication
54 shall continue unless the jail physician determines there is a
55 compelling medical reason to change or discontinue such
56 medication for the health or safety of the defendant.

57 Section 3. Subsections (3) and (5) of section 916.15,
58 Florida Statutes, are amended to read:

59 916.15 Involuntary commitment of defendant adjudicated not
60 guilty by reason of insanity.—

61 (3) Every defendant acquitted of criminal charges by
62 reason of insanity and found to meet the criteria for
63 involuntary commitment may be committed and treated in
64 accordance with the provisions of this section and the
65 applicable Florida Rules of Criminal Procedure. The department
66 shall admit a defendant so adjudicated to an appropriate
67 facility or program for treatment and shall retain and treat
68 such defendant. No later than 6 months after the date of
69 admission, prior to the end of any period of extended
70 commitment, or at any time the administrator or designee shall
71 have determined that the defendant no longer meets the criteria
72 for continued commitment placement, the administrator or
73 designee shall file a report with the court pursuant to the
74 applicable Florida Rules of Criminal Procedure. Within 2
75 business days after receipt of a commitment order and other

76 | documents as required by rule, the department shall request from
77 | the jail any and all medical information pertaining to the
78 | defendant. Within 3 business days after receipt of such a
79 | request, the jail shall provide such information to the
80 | department.

81 | (5) The commitment hearing shall be held within 30 days
82 | after the court receives notification that the defendant no
83 | longer meets the criteria for continued commitment. The
84 | defendant must be transported to the committing court's
85 | jurisdiction for the hearing. If the defendant is receiving
86 | psychotropic medication at the mental health facility at the
87 | time he or she is discharged and transferred to the jail, the
88 | administration of such medication shall continue unless the jail
89 | physician determines there is a compelling medical reason to
90 | change or discontinue such medication for the health or safety
91 | of the defendant.

92 | Section 4. This act shall take effect July 1, 2018.