

Committee on Children, Families, and Elder Affairs

HB 1349 — Mental Health Treatment

by Rep. Melo and others (CS/SB 1412 by Children, Families, and Elder Affairs Committee and Senators Bradley and Davis)

The bill authorizes the Department of Children and Families (DCF) to issue conditional designations for Baker Act receiving and treatment facilities as an alternative to the suspension or withdrawal of a standard facility designation as a result of a violation of licensure requirements. This will result in the facility continuing to be able to operate while taking corrective action to cure the basis of the violation.

The bill also modifies ch. 916, F.S., regarding competency determination, treatment options, and restoration by:

- Requiring local sheriffs or the DCF to administer psychotropic medications to forensic clients in jails prior to their admission to forensic facilities if clinically indicated;
- Requiring expert evaluators and courts to consider alternative, community-based treatment options before ordering the placement of a defendant to a forensic facility;
- Requiring administrators of forensic facilities to provide notification to courts no more than 60 days, rather than six months as in current law, from the time a defendant is competent to proceed or no longer meets commitment criteria;
- Reducing the maximum amount of time patients may wait to be transported from a forensic facility to the committing jurisdiction once they are competent to proceed or no longer meet commitment criteria, from 30 days to 7 days;
- Requiring competency determinations to be made at a competency hearing within 30 days of notification from forensic facilities that patients have gained competency or no longer meet commitment criteria;
- Requiring forensic facilities to transfer defendants back to the committing jurisdiction with up to 30 days of medication and assist in discharge planning with medical teams at the receiving county jail; and
- Reenacting and making conforming changes to several existing sections of statute.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 40-0; House 116-0