

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Health & Human Services
 2 Committee

3 Representative Maney offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Present paragraph (c) of subsection (2) of
 8 section 916.13, Florida Statutes, is redesignated as paragraph
 9 (d), and a new paragraph (c) is added to that subsection, to
 10 read:

11 916.13 Involuntary commitment of defendant adjudicated
 12 incompetent.—

13 (2) A defendant who has been charged with a felony and who
 14 has been adjudicated incompetent to proceed due to mental
 15 illness, and who meets the criteria for involuntary commitment

Amendment No.

16 under this chapter, may be committed to the department, and the
17 department shall retain and treat the defendant.

18 (c) If the department determines at any time that a
19 defendant will not or is unlikely to regain competency to
20 proceed, the department shall, within 30 days of the
21 determination, complete and submit a competency evaluation
22 report to the circuit court to determine if the defendant meets
23 the criteria for involuntary civil commitment under the Baker
24 Act. A qualified professional as defined in s. 394.455, must
25 sign the competency evaluation report for the circuit court
26 under penalty of perjury. A copy of the report shall be provided
27 at a minimum to the court, state attorney, and counsel for the
28 defendant before initiating any transfer of the defendant back
29 to the committing jurisdiction.

30 1. For purposes of this paragraph, a "competency evaluation
31 report to the circuit court" means a report by the department
32 regarding a defendant's incompetence to proceed in a criminal
33 proceeding due to mental illness as set forth in s. 916.13. The
34 report shall include, at a minimum, the following regarding the
35 defendant:

36 a. A description of mental, emotional, and behavioral
37 disturbances;

38 b. An explanation to support the opinion of incompetence
39 to proceed;

Amendment No.

40 c. The rationale to support why the defendant is unlikely
41 to gain competence to proceed in the foreseeable future;

42 d. A clinical opinion regarding whether the defendant no
43 longer meets the criteria for involuntary forensic commitment
44 pursuant to this section; and

45 e. A recommendation on whether the defendant meets the
46 criteria for involuntary examination pursuant to s. 394.463.

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50 **T I T L E A M E N D M E N T**

51 Remove lines 5-9 and insert:

52 initiate a competency evaluation report to the circuit court to
53 determine if a defendant adjudicated incompetent to proceed
54 meets the criteria for involuntary civil commitment if it is
55 determined that the defendant will not or is unlikely to regain
56 competency; requiring a qualified professional to sign the
57 report under penalty of perjury; defining the competency
58 evaluation report to the circuit court; specifying minimum
59 information included in report; providing an effective date.