

ENROLLED

HB 569

2026 Legislature

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 2 An act relating to forensic client services; amending
 3 s. 916.106, F.S.; revising the definition of "forensic
 4 client" to include a defendant committed to
 5 involuntary residential services in a secure facility
 6 of the Agency for Persons with Disabilities;
 7 republishing s. 916.303, F.S., relating to
 8 determination of incompetency; providing an effective
 9 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 (9) 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 (9) "Forensic client" or "client" means any defendant who
 18 has been committed to the department or agency pursuant to s.
 19 916.13, s. 916.15, ~~or~~ s. 916.302, or s. 916.303(3).

20 Section 2. Section 916.303, Florida Statutes, is
 21 republished to read:

22 916.303 Determination of incompetency; dismissal of
 23 charges.—

24 (1) The charges against any defendant found to be
 25 incompetent to proceed due to intellectual disability or autism

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26 | shall be dismissed without prejudice to the state if the
27 | defendant remains incompetent to proceed within a reasonable
28 | time after such determination, not to exceed 2 years, unless the
29 | court in its order specifies its reasons for believing that the
30 | defendant will become competent to proceed within the
31 | foreseeable future and specifies the time within which the
32 | defendant is expected to become competent to proceed. The
33 | charges may be refiled by the state if the defendant is declared
34 | competent to proceed in the future.

35 | (2) If the charges are dismissed and if the defendant is
36 | considered to lack sufficient capacity to give express and
37 | informed consent to a voluntary application for services and
38 | lacks the basic survival and self-care skills to provide for his
39 | or her well-being or is likely to physically injure himself or
40 | herself or others if allowed to remain at liberty, the agency,
41 | the state attorney, or the defendant's attorney shall apply to
42 | the committing court to involuntarily admit the defendant to
43 | residential services pursuant to s. 393.11.

44 | (3) If the defendant is considered to need involuntary
45 | residential services for reasons described in subsection (2)
46 | and, further, there is a substantial likelihood that the
47 | defendant will injure another person or continues to present a
48 | danger of escape, and all available less restrictive
49 | alternatives, including services in community residential
50 | facilities or other community settings, which would offer an

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51 opportunity for improvement of the condition have been judged to
52 be inappropriate, the agency, the state attorney, or the
53 defendant's counsel may request the committing court to continue
54 the defendant's placement in a secure facility pursuant to this
55 part. Any placement so continued must be reviewed by the court
56 at least annually at a hearing. The annual review and hearing
57 must determine whether the defendant continues to meet the
58 criteria described in this subsection and, if so, whether the
59 defendant still requires involuntary placement in a secure
60 facility and whether the defendant is receiving adequate care,
61 treatment, habilitation, and rehabilitation, including
62 psychotropic medication and behavioral programming. Notice of
63 the annual review and review hearing shall be given to the state
64 attorney and the defendant's attorney. A defendant's placement
65 in a secure facility may not exceed the maximum sentence for the
66 crime for which the defendant was charged.

67 Section 3. This act shall take effect July 1, 2026.