CS/HB 201 2023

A bill to be entitled

An act incomp
In

date.

An act relating to criminal defendants adjudicated incompetent to proceed; amending s. 916.13, F.S.; requiring the Department of Children and Families to complete and submit a competency evaluation report to the circuit court to determine if a defendant adjudicated incompetent to proceed meets the criteria for involuntary civil commitment if it is determined that the defendant will not or is unlikely to regain competency; requiring a qualified professional to sign such report under penalty of perjury; providing requirements for such report; providing an effective

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

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

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916.13 Involuntary commitment of defendant adjudicated incompetent.—

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has been adjudicated incompetent to proceed due to mental illness, and who meets the criteria for involuntary commitment

A defendant who has been charged with a felony and who

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under this chapter, may be committed to the department, and the

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CODING: Words stricken are deletions; words underlined are additions.

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department shall retain and treat the defendant.

- defendant will not or is unlikely to regain competency to proceed, the department shall, within 30 days after the determination, complete and submit a competency evaluation report to the circuit court to determine if the defendant meets the criteria for involuntary civil commitment under the Baker Act. A qualified professional, as defined in s. 394.455, must sign the competency evaluation report for the circuit court under penalty of perjury. A copy of the report shall be provided, at a minimum, to the court, state attorney, and counsel for the defendant before initiating any transfer of the defendant back to the committing jurisdiction.
- 2. For purposes of this paragraph, the term "competency evaluation report to the circuit court" means a report by the department regarding a defendant's incompetence to proceed in a criminal proceeding due to mental illness as set forth in this section. The report shall include, at a minimum, the following regarding the defendant:
- <u>a.</u> A description of mental, emotional, and behavioral disturbances.
- b. An explanation to support the opinion of incompetence to proceed.
- c. The rationale to support why the defendant is unlikely to gain competence to proceed in the foreseeable future.

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<u>d.</u>	А	clinic	cal opin	ion r	egarding	whether	the	defendant	no
longer	meets	the	criteri	a for	involun	tary for	ensic	commitmer	<u>nt</u>
pursuan	t to	this	section	<u>.</u>					

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