

By Senator Simon

3-01671-23

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1                   A bill to be entitled  
2       An act relating to criminal defendants adjudicated  
3       incompetent to proceed; amending s. 916.13, F.S.;  
4       requiring that the Department of Children and Families  
5       initiate a transfer evaluation to determine if a  
6       defendant adjudicated incompetent to proceed meets the  
7       criteria for involuntary civil commitment if it  
8       determines that the defendant will not or is unlikely  
9       to gain competence; requiring that a copy of the  
10      evaluation be provided to the court and counsel;  
11      providing an effective date.

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

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15       Section 1. Paragraph (d) is added to subsection (2) of  
16      section 916.13, Florida Statutes, to read:

17       916.13 Involuntary commitment of defendant adjudicated  
18      incompetent.—

19       (2) A defendant who has been charged with a felony and who  
20      has been adjudicated incompetent to proceed due to mental  
21      illness, and who meets the criteria for involuntary commitment  
22      under this chapter, may be committed to the department, and the  
23      department shall retain and treat the defendant.

24       (d) If the department determines at any time that a  
25      defendant will not or is unlikely to gain competence to proceed,  
26      the department shall initiate a transfer evaluation to determine  
27      if the defendant meets the criteria for involuntary civil  
28      commitment, and a copy of that evaluation shall be provided to  
29      the court and counsel before initiating any transfer of the

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30 defendant back to the committing jurisdiction.

31 Section 2. This act shall take effect July 1, 2023.