

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: SB 1412

INTRODUCER: Senator Bradley

SUBJECT: Mental Health

DATE: March 17, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Delia	Cox	CF	Pre-meeting
2.			AHS	
3.			FP	

I. Summary:

SB 1412 establishes a conditional designation for Baker Act receiving and treatment facilities as an alternative to the suspension or withdrawal of a standard facility designation issued by the Department of Children and Families (the DCF). The bill also:

- Requires local sheriffs or the DCF to administer psychotropic medications to forensic clients in jails if clinically indicated prior to their admission to forensic facilities if clinically indicated;
- Requires expert evaluators and courts to consider alternative, community-based treatment options before ordering the placement of a defendant to a forensic facility;
- Requires 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;
- Reduces 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;
- Requires 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;
- Requires 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
- Reenacts and makes conforming changes to several existing sections of statute.

The DCF anticipates that the bill will have no fiscal impact on state government. See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2023.

II. Present Situation:

Receiving and Treatment Facilities

The DCF is authorized to designate and monitor receiving facilities, treatment facilities, and receiving systems and may suspend or withdraw such designations for failure to comply with Florida law.¹ Unless specifically designated by the DCF, facilities are not permitted to hold or treat involuntary patients experiencing a mental health or substance use disorder crisis.² The DCF has authority to designate any community-based facility as a receiving facility.³

The DCF may also specifically designate any state-owned, state-operated, or state-supported facility as a state treatment facility.⁴ The DCF can designate any other facility, including private and federal facilities, as either a receiving facility or a treatment facility provided that the governing board or authority of such facility agrees to the designation.⁵ Private facilities designated as receiving and treatment facilities by the DCF may provide examination and treatment of involuntary patients, as well as voluntary patients.⁶

The DCF is also statutorily authorized to adopt rules relating to a number of issues surrounding receiving and treatment facilities, including:

- Procedures and criteria for receiving and evaluating facility applications for designation, which may include onsite facility inspection and evaluation of an applicant's licensing status and performance history, as well as consideration of local service needs;
- Minimum standards consistent that a facility must meet and maintain in order to be designated as a receiving or treatment facility and procedures for monitoring continued adherence to such standards;
- Procedures and criteria for designating receiving systems which may include consideration of the adequacy of services provided by facilities within the receiving system to meet the needs of the geographic area using available resources;
- Procedures for receiving complaints against a designated facility or designated receiving system and for initiating inspections and investigations of facilities or receiving systems alleged to have violated regulatory laws or rules; and
- Procedures and criteria for the suspension or withdrawal of designation as a receiving facility or receiving system.⁷

Current law does not provide the DCF with the authority to issue a "conditional" designation, only suspension or withdrawal of designations. In circumstances where a provider is the only available public receiving facility in a county or geographic area, "suspending" or "withdrawing"

¹ Section 394.461, F.S.

² *Id.*

³ Section 394.461(1), F.S.

⁴ Section 394.461(2), F.S.

⁵ Section 394.461(1) and (2), F.S.

⁶ Section 394.461(3), F.S.

⁷ Section 394.461(6), F.S.

the designation based on an inspection violation is not usually a viable option because either of these actions would result in reducing access to crisis care services.⁸

There are currently 126 public and private designated receiving facilities in Florida.⁹ In past years, providers submitted requests for re-designation while still under review by the DCF for outstanding inspection findings, or while the subject of an investigation by the Agency for Health Care Administration (the AHCA) or the U.S. Department of Health and Human Services (HHS).¹⁰ In such instances, the DCF does not have a licensing mechanism to allow such facilities to temporally operate while under a corrective action plan.¹¹

Competency Restoration Treatment and Forensic Facilities

Chapter 916, F.S., governs the state forensic system, which is a network of state facilities and community services for persons who have mental health issues, an intellectual disability, or autism, and who are involved with the criminal justice system. Offenders who are charged with a felony and adjudicated incompetent to proceed¹² and offenders who are adjudicated not guilty by reason of insanity may be involuntarily committed to state civil and forensic treatment facilities by the circuit court,¹³ or in lieu of such commitment, may be released on conditional release¹⁴ by the circuit court if the person is not serving a prison sentence.¹⁵ The committing court retains jurisdiction over the defendant while the defendant is under involuntary commitment or conditional release and a defendant may not be released from either commitment or conditional release except by order of the committing court.¹⁶

Sections 916.13 and 916.15, F.S., set forth the criteria under which a court may involuntarily commit a defendant charged with a felony who has been adjudicated incompetent to proceed, or who has been found not guilty by reason of insanity. Florida law provides for the ability to commit a person under either basis; however, the goals for the commitment are different for each basis of the commitment. Persons committed under s. 916.13, F.S., after an adjudication of incompetency to proceed have a primary goal of restoration of competency; whereas persons who have been found not guilty by reason of insanity that are committed have a primary goal of stabilization and post-hospital planning.

A civil facility is, in part, a mental health facility established within the DCF or by contract with the DCF to serve individuals committed pursuant to ch. 394, F.S., and defendants pursuant to ch. 916, F.S., who do not require the security provided in a forensic facility.¹⁷

⁸ The Department of Children and Families (the DCF), *Draft Agency Analysis of SB 1412*, July 30, 2022 at p. 2. (on file with Senate Committee on Children, Families, and Elder Affairs) (hereinafter cited as, “The DCF Analysis”).

⁹ *Id.*, p. 3.

¹⁰ *Id.*

¹¹ *Id.*

¹² “Incompetent to proceed” means “the defendant does not have sufficient present ability to consult with her or his lawyer with a reasonable degree of rational understanding” or “the defendant has no rational, as well as factual, understanding of the proceedings against her or him.” Section 916.12(1), F.S.

¹³ Sections 916.13, 916.15, and 916.302, F.S.

¹⁴ Conditional release is release into the community accompanied by outpatient care and treatment. Section 916.17, F.S.

¹⁵ Section 916.17(1), F.S.

¹⁶ Section 916.16(1), F.S.

¹⁷ Section 916.106(4), F.S.

A forensic facility is a separate and secure facility established within the DCF or the Agency for Persons with Disabilities (the APD) to service forensic clients committed pursuant to ch. 916, F.S.¹⁸ A separate and secure facility means a security-grade building for the purposes of separately housing individuals with mental illness from persons who have intellectual disabilities or autism and separately housing persons who have been involuntarily committed from non-forensic residents.¹⁹

Determination of Incompetency

If a defendant is suspected of being incompetent, the court, counsel for the defendant, or the state may file a motion for examination to have the defendant's cognitive state assessed.²⁰ If the motion is well-founded, the court will appoint experts to evaluate the defendant's cognitive state. The defendant's competency is then determined by the judge in a subsequent hearing.²¹ If the defendant is found to be competent, the criminal proceeding resumes.²² If the defendant is found to be incompetent to proceed, the proceeding may not resume unless competency is restored.²³

Expert Evaluations

Section 916.115, F.S., requires courts to appoint no more than three experts to determine the mental condition of a defendant in a criminal case, including competency to proceed, insanity, involuntary placement, and treatment.²⁴ A defendant is considered incompetent to proceed if the defendant:

- Does not have sufficient present ability to consult with her or his lawyer with a reasonable degree of rational understanding; or
- Has no rational, as well as factual, understanding of the proceedings against her or him.

The experts may evaluate the defendant in jail or in another appropriate local facility or in a facility of the Department of Corrections (the DOC). When expert evaluators determine that a person does not meet the established criteria to proceed to trial, a court may commit the defendant to a secure setting to receive intensive behavioral health services, with the goal of competency restoration.²⁵

Evaluators must also report on any recommended treatment for the defendant to attain competence to proceed.²⁶ The statute does not specify the treatment options that should be considered. For Fiscal Year 2022-2023, the DCF reports that it is funding 299 community-based

¹⁸ Section 916.106(10), F.S. A separate and secure facility means a security-grade building for the purpose of separately housing persons who have mental illness from persons who have intellectual disabilities or autism and separately housing persons who have been involuntarily committed pursuant to ch. 916, F.S., from non-forensic residents.

¹⁹ *Id.*

²⁰ Rule 3.210, Fla.R.Crim.P.

²¹ *Id.*

²² Rule 3.212, Fla.R.Crim.P.

²³ *Id.*

²⁴ Section 916.115(1), F.S.

²⁵ The DCF Analysis at p. 3.

²⁶ Section 916.13(1)(b), F.S.

beds, 278 of which are currently filled.²⁷ In addition, the DCF reports that it is increasing the number of community-based diversion options to meet anticipated future demand.²⁸

Judicial Determination of Incompetency and Commitment

A defendant is deemed incompetent to proceed if the defendant does not have sufficient present ability to consult with her or his lawyer with a reasonable degree of rational understanding or if the defendant has no rational, as well as factual, understanding of the proceedings against her or him.²⁹

Mental health experts appointed pursuant to s. 916.115, F.S., must first determine whether the defendant has a mental illness and, if so, consider the factors related to the issue of whether the defendant meets the criteria for competence to proceed.³⁰ A defendant must be evaluated by no fewer than two experts before the court commits the defendant or takes other action, except if one expert finds that the defendant is incompetent to proceed and the parties stipulate to that finding. The court may commit the defendant or take other action without further evaluation or hearing, or the court may appoint no more than two additional experts to evaluate the defendant.³¹ Notwithstanding any stipulation by the state and the defendant, the court may require a hearing with testimony from the expert or experts before ordering the commitment of a defendant.³²

In considering the issue of competence to proceed, an examining expert must first consider and specifically include in his or her report the defendant's capacity to:

- Appreciate the charges or allegations against the defendant;
- Appreciate the range and nature of possible penalties, if applicable, that may be imposed in the proceedings against the defendant;
- Understand the adversarial nature of the legal process;
- Disclose to counsel facts pertinent to the proceedings at issue;
- Manifest appropriate courtroom behavior; and
- Testify relevantly.³³

In addition, an examining expert must consider and include in his or her report any other factor deemed relevant by the expert.³⁴

If an expert finds that the defendant is incompetent to proceed, the expert must report on any recommended treatment for the defendant to attain competence to proceed.³⁵ In considering the issues relating to treatment, the examining expert must specifically report on:

- The mental illness causing the incompetence;

²⁷ The DCF Analysis at p. 3.

²⁸ *Id.*

²⁹ Section 916.12(1), F.S.

³⁰ Section 916.12(2), F.S.

³¹ *Id.*

³² *Id.*

³³ Section 916.12(3), F.S.

³⁴ *Id.*

³⁵ Section 916.12(4), F.S.

- The treatment or treatments appropriate for the mental illness of the defendant and an explanation of each of the possible treatment alternatives in order of choices;
- The availability of acceptable treatment and, if treatment is available in the community, the expert shall so state in the report; and
 - The likelihood of the defendant’s attaining competence under the treatment recommended,
 - An assessment of the probable duration of the treatment required to restore competence, and
 - The probability that the defendant will attain competence to proceed in the foreseeable future.³⁶

A defendant who, because of psychotropic medication,³⁷ is able to understand the nature of proceedings and assist in the defendant’s own defense must not automatically be deemed incompetent to proceed simply because the defendant’s satisfactory mental functioning is dependent upon such medication.³⁸

If a person is committed pursuant to either statute, the administrator at the commitment facility must submit a report to the court:

- No later than 6 months after a defendant’s admission date and at the end of any period of extended commitment; or
- At any time the administrator has determined that the defendant has regained competency or no longer meets the criteria for involuntary commitment.³⁹

Judicial Procedure for Release and Transportation Back to Committing Jurisdiction

Current law also requires that a competency hearing must be held within 30 days after the court receives notification that a defendant is competent to proceed or no longer meets the criteria for continued commitment.⁴⁰ However, many defendants are either not being transported back to the committing jurisdiction in a timely manner or are not being transported for the hearing at all.⁴¹ While patients await transportation back to the county with jurisdiction, they remain at a treatment facility.⁴² There are between 80 and 100 competent individuals in treatment facilities awaiting transportation back to the committing jurisdiction on an average day.⁴³ As a result, the waitlist for state mental health services is longer as it contains some individuals left in state facilities that are occupying beds which could be utilized by those awaiting treatment.⁴⁴

³⁶ *Id.*

³⁷ “Psychotropic medication” is defined to mean any drug or compound used to treat mental or emotional disorders affecting the mind, behavior, intellectual functions, perception, moods, or emotions and includes antipsychotic, antidepressant, antimanic, and antianxiety drugs. Section 916.12(5), F.S.

³⁸ Section 916.12(5), F.S.

³⁹ Sections 916.13(2)(b) and 916.15(3)(c), F.S. For involuntary commitment of a person under s. 916.15, F.S., the additional report must be submitted prior to the end of any period of extended commitment, rather than “at the end” of the extended commitment.

⁴⁰ Sections 916.13(2)(c) and 916.15(5), F.S.

⁴¹ The DCF Analysis at p. 3.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

While s. 916.13, F.S., requires that a competency hearing be held within 30 days of receiving a competency notification, there are instances in which courts do not make a determination of competency during an initial hearing, resulting in a defendant remaining at a treatment facility for longer than the maximum 30 days required by current law.⁴⁵ Additionally, in some instances individuals that are transported back to the committing jurisdiction decompensate⁴⁶ before a determination of competency can be made because hearings are continued or not scheduled within the 30-day timeframe.⁴⁷

If the defendant is receiving psychotropic medication at a mental health facility at the time he or she is discharged and transferred to the jail, the administering of such medication must continue unless the jail physician documents the need to change or discontinue it.⁴⁸ The jail and department physicians shall collaborate to ensure that medication changes do not adversely affect the defendant's mental health status or his or her ability to continue with court proceedings; however, the final authority regarding the administering of medication to an inmate in jail rests with the jail physician.⁴⁹

State Forensic System – Mental Health Treatment for Criminal Defendants

State Treatment Facilities

State treatment facilities are the most restrictive settings for forensic services. The forensic facilities provide assessment, evaluation, and treatment to the individuals who have mental health issues and who are involved with the criminal justice system.

Mental Health Treatment Facilities

The DCF runs three mental health treatment facilities: the Florida State Hospital (FSH), the Northeast Florida State Hospital (NEFSH), and the North Florida Evaluation and Treatment Center (NFETC).⁵⁰ The DCF also contracts with a private provider to operate three additional facilities that provide competency restoration training. The facilities are the South Florida Evaluation and Treatment Center, South Florida State Hospital, and Treasure Coast Treatment Facility which are operated by Wellpath Recovery Solutions (Wellpath).⁵¹

The FSH, located in Chattahoochee, Florida, is a state psychiatric hospital that provides civil and forensic services.⁵² The hospital's civil services are comprised of the following three units with a total of 490 beds:

⁴⁵ *Id.*

⁴⁶ Psychiatrists and psychologists use the term "decompensating" to describe worsening symptoms of mental illness. An "episode of decompensation" is a period of significant, often rapid, deterioration in mental health, such as a panic attack. *See Episodes of Decompensation in Mental Illness: Social Security Disability*, available at <https://www.disabilitysecrets.com/mic2.html> (last visited March 14, 2023).

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ The DCF, *State Mental Health Treatment Facilities*, available at <https://www2.myflfamilies.com/service-programs/mental-health/state-mental-health-treatment-facilities.shtml> last visited March 14, 2023).

⁵¹ *Id.*

⁵² The DCF, *Forensic Facilities*, available at <https://www2.myflfamilies.com/service-programs/samh/adult-forensic-mental-health/forensic-facilities.shtml> (last visited March 14, 2023).

- Civil Admissions evaluates and provides psychiatric services primarily for newly admitted acutely ill male and female civil residents between the ages of 18 and 64;
- Civil Transition Program serves civil residents and individuals previously in a forensic setting who no longer need that level of security and with court approval, may reside in a less restrictive civil environment; and
- Specialty Care Program serves a diverse population of individuals requiring mental health treatment and services, including civil and forensic step downs.⁵³

The hospital's forensic services section evaluates and treats persons with felony charges who have been adjudicated incompetent to stand trial or not guilty by reason of insanity. Forensic services is comprised of the following two units;

- Forensic Admission is a maximum security facility that assesses new admissions, provides short-term treatment and competency restoration for defendants found incompetent to stand trial, and behavior stabilization for persons committed as not guilty by reason of insanity; and
- Forensic Central provides longer-term treatment and serves a seriously and persistently mentally ill population who are incompetent to proceed or not guilty by reason of insanity.⁵⁴

The NEFSH, located in Macclenny, Florida, is a state psychiatric hospital that provides civil services.⁵⁵ The facility operates 633 beds and is the largest state-owned provider of psychiatric care and treatment to civilly committed individuals in Florida. Referrals are based upon community and regional priorities for admission.⁵⁶

The NFETC, located in Gainesville, Florida, is an evaluation and treatment center for people with mental illnesses who are involved in the criminal justice system.⁵⁷ The center has 193 beds open for the evaluation and treatment of residents who have major mental disorders. These residents are either incompetent to proceed to trial or have been judged to be not guilty by reason of insanity.⁵⁸

As of March 15, 2023, there were a total of 330 individuals on the waitlist for forensic beds at the state's mental health facilities.⁵⁹ Individuals spend 59 days on the waitlist on average.⁶⁰

Rights of Forensic Clients

Section 916.107, F.S., establishes a number of rights for clients of the state's forensic system. Clients with mental illness, intellectual disability, or autism who are charged with committing felonies must receive appropriate treatment or training.⁶¹ In a criminal case involving a client who has been adjudicated incompetent to proceed or not guilty by reason of insanity, a jail may

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ The DCF, E-mail from John Paul Fiore, Legislative Affairs Director, *Forensic Bed Waitlist*, March 15, 2023 (on file with the Senate Committee on Children, Families, and Elder Affairs).

⁶⁰ The DCF, E-mail from John Paul Fiore, Legislative Affairs Director, *Re: SB 1600*, January 29, 2022 (on file with the Senate Committee on Children, Families, and Elder Affairs).

⁶¹ Section 916.107(1)(a), F.S.

be used as an emergency facility for up to 15 days following the date the department or agency receives a completed copy of the court commitment order containing all documentation required by the applicable Florida Rules of Criminal Procedure.⁶²

For a forensic client who is held in a jail awaiting admission to a facility of the DCF or the APD, evaluation and treatment or training may be provided in the jail by the local community mental health provider for mental health services, by the developmental disabilities program for persons with intellectual disability or autism, the client's physician or psychologist, or any other appropriate program until the client is transferred to a civil or forensic facility.⁶³

Clients also have a right to treatment, including the right to be given, at the time of admission and at regular intervals thereafter, a physical examination, which shall include screening for communicable disease by a health practitioner authorized by law to give such screenings and examinations.⁶⁴ Not more than 30 days after admission, each client shall also have and receive, in writing, an individualized treatment or training plan which the client has had an opportunity to assist in preparing.⁶⁵

III. Effect of Proposed Changes:

Conditional Designations (Section 1)

In lieu of the suspension or withdrawal of a receiving or treatment facility's designation following inspection issues requiring a corrective action plan, the bill amends s. 394.461, F.S., authorizing the DCF to issue conditional designations for up to 60 days to allow for the implementation of corrective measures. . This will facilitate the DCF's ability to work with facilities to correct program deficiencies while they remain in business examining and treating individuals in their care.

Administration of Psychotropic Medications – Rights of Forensic Clients (Section 2)

The bill amends s. 916.107, F.S., requiring sheriffs to either administer, or permit the DCF to administer, clinically indicated psychotropic medication to forensic clients held in a jail awaiting admission to a state mental health treatment facility before they are admitted to the facility. This will help to stabilize defendants and create a smoother transition to the competency restoration process once a defendant is committed to a forensic facility.

Process for Incompetency Determinations and Alternative Treatment Options (Sections 3 and 4)

The bill amends s. 916.12, F.S., requiring expert evaluators and courts to consider a list of DCF-funded minimum alternative treatment options before ordering a defendant who has been found by an expert to be incompetent to be placed in a treatment facility. Specifically, the bill requires evaluating experts to report on the completion of a clinical assessment made by DCF-trained

⁶² *Id.*

⁶³ *Id.*

⁶⁴ Section 916.107(2)(b), F.S.

⁶⁵ Section 916.107(2)(d), F.S.

mental health experts to ensure the safety of the patient and the community. Experts must also report on the appropriateness of the following community-based options for treating and supporting the recovery of a patient:

- Mental health services;
- Treatment services;
- Rehabilitative services;
- Support services; and
- Case management services as those terms are defined in s. 394.67(16), F.S., which may be provided by or within:
 - Multidisciplinary community treatment teams;
 - Community treatment teams, such as Florida Assertive Community Treatment (FACT) teams;
 - Conditional release programs;
 - Outpatient services or intensive outpatient treatment programs; and
 - Supportive employment and supportive housing opportunities.

The bill also requires the examining expert's report to the court to include a full and detailed explanation of why the alternative treatment options referenced in the evaluation are insufficient to meet the needs of the defendant.

The bill also amends s. 916.13, F.S., requiring courts to review the examining expert's report to ensure that each of the above-mentioned alternative treatment options are insufficient to meet the defendant's clinical needs when determining if there is clear and convincing evidence that requires the issuance of a commitment order.

Modified Timelines for Certain Procedures for an Incompetent Defendant After Admission (Section 4, in part)

The bill also requires treatment facilities to evaluate defendants within 60 days, instead of six months, so that a report is sent to the court 60 days after a defendant's admission to the treatment facility.

The bill also reduces the maximum amount of time defendants may wait to be transported out of a treatment facility, from 30 days to 7 days, once they are competent to proceed or no longer meet commitment criteria. This will require the sheriff or the entity transporting the defendant to the committing jurisdiction to pick up the defendant in a much shorter time. This provision will also reduce the likelihood that the defendant will decompensate while also reducing the waitlist for other defendants who are in need of such treatment.

The bill also requires courts to make a competency determination at the competency hearing within 30 days of notification from treatment facilities that the defendant is competent to proceed or no longer meets commitment criteria. Treatment facilities must discharge the defendant with up to 30 days of medications and assist in discharge planning with medical teams at the receiving county jail. This will ensure the defendant is provided continuity of care when returning back to the committing jurisdiction.

Conforming Changes (Section 5-8)

The bill also reenacts ss. 394.658(1)(a), 916.106(9), and 916.17(1) and (2), F.S., for the purposes of incorporating changes made under the act

The bill is effective of July 1, 2023.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DCF states that the bill will have no impact on state government.⁶⁶ The DCF also states that the bill will not have a fiscal impact on local jails because existing medical and psychiatric resources within jails throughout the state are sufficient to meet the requirements of the bill.⁶⁷ The agency also anticipates that decreasing the time for transporting defendants will not result in a fiscal impact on sheriffs due to the fact that the

⁶⁶ The DCF Analysis at p. 6.

⁶⁷ *Id.*, p. 5.

total number of transports will not increase.⁶⁸ The Florida Sheriff's Association anticipates the provisions in the bill that address the delivery of certain psychotropic medications and timelines for transporting a defendant back to the committing jurisdiction will not have a negative fiscal impact on sheriffs.⁶⁹

VI. Technical Deficiencies:

The use of the word “patient” on line 192 of the bill is inconsistent with references to individuals found incompetent to proceed throughout chapter 916; such individuals are referred to as “defendants” in all other instances. Moreover, earlier in the same sentence the term “defendant” is used to refer to the same individuals. The word “patient” is again used in a similarly erroneous manner on line 280 of the bill.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 394.461, 916.107, 916.12, and 916.13 of the Florida Statutes.

This bill reenacts sections 394.658, 916.106, and 916.17 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

⁶⁸ *Id.*, p. 6.

⁶⁹ See The Florida Sheriff's Association, E-mail from Allie McNair, Government Affairs Coordinator, *Re: DCF: SB 1412 – FSA Feedback* March 16, 2023 (on file with the Senate Committee on Children, Families, and Elder Affairs).