

**RULE 3.217 | JUDGMENT OF NOT GUILTY BY REASON OF INSANITY:  
DISPOSITION OF DEFENDANT**

**(a) Verdict of Not Guilty by Reason of Insanity.** When a person is found by the jury or the court not guilty of the offense or is found not to be in violation of probation or community control by reason of insanity, the jury or judge, in giving the verdict or finding of not guilty judgment, shall state that it was given for that reason.

**(b) Treatment, Commitment, or Discharge after Acquittal.** When a person is found not guilty of the offense or is found not to be in violation of probation or community control by reason of insanity, if the court then determines that the defendant presently meets the criteria set forth by law, the court shall commit the defendant to the Department of Children and Family Services or shall order outpatient treatment at any other appropriate facility or service, or shall discharge the defendant. Any order committing the defendant or requiring outpatient treatment or other outpatient service shall contain:

- (1) findings of fact relating to the issue of commitment or other court-ordered treatment;
- (2) copies of any reports of experts filed with the court; and
- (3) any other psychiatric, psychological, or social work report submitted to the court relative to the mental state of the defendant.

**Committee Notes**

**1980 Adoption.**

(a) Same substance as in prior rule.

(b) The criteria for commitment are set forth in chapter 394, Florida Statutes. This rule incorporates those statutory criteria by reference and then restates the other alternatives available to the judge under former rule 3.210.

See section 912.18, Florida Statutes, for criteria.

(1) This subdivision is equivalent to rule 3.212(b)(2); see commentary to that rule.

**1988 Amendment.** The amendments to this rule provide for evaluation of a defendant found not guilty by reason of insanity in violation of probation or community control proceedings

as well as at trial. The amendments further reflect 1985 amendments to chapter 916, Florida Statutes.

**1992 Amendment.** The purpose of the amendment is to gender neutralize the wording of the rule.

**Introductory Note Relating to Amendments to Rules 3.210 to 3.219.** See notes following rule 3.210 for the text of this note.

