



1           1. A court may enter an ex parte order stating that a  
2 person appears to meet the criteria for involuntary  
3 examination, giving the findings on which that conclusion is  
4 based. The ex parte order for involuntary examination must be  
5 based on sworn testimony, written or oral. If other less  
6 restrictive means are not available, such as voluntary  
7 appearance for outpatient evaluation, a law enforcement  
8 officer, or other designated agent of the court, shall take  
9 the person into custody and deliver him or her to the nearest  
10 receiving facility for involuntary examination. The order of  
11 the court shall be made a part of the patient's clinical  
12 record. No fee shall be charged for the filing of an order  
13 under this subsection. Any receiving facility accepting the  
14 patient based on this order must send a copy of the order to  
15 the Agency for Health Care Administration on the next working  
16 day. The order shall be valid only until executed or, if not  
17 executed, for the period specified in the order itself. If no  
18 time limit is specified in the order, the order shall be valid  
19 for 7 days after the date that the order was signed.

20           2. A law enforcement officer shall take a person who  
21 appears to meet the criteria for involuntary examination into  
22 custody and deliver the person or have him or her delivered to  
23 the nearest receiving facility for examination. The officer  
24 shall execute a written report detailing the circumstances  
25 under which the person was taken into custody, and the report  
26 shall be made a part of the patient's clinical record. Any  
27 receiving facility accepting the patient based on this report  
28 must send a copy of the report to the Agency for Health Care  
29 Administration on the next working day.

30           3. A physician, clinical psychologist, psychiatric  
31 nurse, mental health counselor, marriage and family therapist,

1 or clinical social worker may execute a certificate stating  
2 that he or she has examined a person within the preceding 48  
3 hours and finds that the person appears to meet the criteria  
4 for involuntary examination and stating the observations upon  
5 which that conclusion is based. If other less restrictive  
6 means are not available, such as voluntary appearance for  
7 outpatient evaluation, a law enforcement officer shall take  
8 the person named in the certificate into custody and deliver  
9 him or her to the nearest receiving facility for involuntary  
10 examination. The law enforcement officer shall execute a  
11 written report detailing the circumstances under which the  
12 person was taken into custody. The report and certificate  
13 shall be made a part of the patient's clinical record. Any  
14 receiving facility accepting the patient based on this  
15 certificate must send a copy of the certificate to the Agency  
16 for Health Care Administration on the next working day.

17 Section 3. Paragraphs (a) and (c) of subsection (2) of  
18 section 394.4655, Florida Statutes, are amended to read:

19 394.4655 Involuntary outpatient placement.--

20 (2) INVOLUNTARY OUTPATIENT PLACEMENT.--

21 (a)1. A patient may be retained by a receiving  
22 facility upon the recommendation of the administrator of a  
23 receiving facility where the patient has been examined and  
24 after adherence to the notice of hearing procedures provided  
25 in s. 394.4599. The recommendation must be supported by the  
26 opinion of a psychiatrist and the second opinion of a clinical  
27 psychologist or another psychiatrist, both of whom have  
28 personally examined the patient within the preceding 72 hours,  
29 that the criteria for involuntary outpatient placement are  
30 met. However, in a county having a population of fewer than  
31 50,000, if the administrator certifies that no psychiatrist or

1 | clinical psychologist is available to provide the second  
2 | opinion, the second opinion may be provided by a licensed  
3 | physician who has postgraduate training and experience in  
4 | diagnosis and treatment of mental and nervous disorders or by  
5 | a psychiatric nurse as defined in this chapter. Such a  
6 | recommendation must be entered on an involuntary outpatient  
7 | placement certificate, which certificate must authorize the  
8 | receiving facility to retain the patient pending completion of  
9 | a hearing. The certificate shall be made a part of the  
10 | patient's clinical record.

11 |         2. If the patient has been stabilized and no longer  
12 | meets the criteria for involuntary examination pursuant to s.  
13 | 394.463(1), the patient must be released from the receiving  
14 | facility while awaiting the hearing for involuntary outpatient  
15 | placement. Prior to filing a petition for involuntary  
16 | outpatient treatment, the administrator of a receiving  
17 | facility or a designated department representative shall  
18 | identify the service provider that will have primary  
19 | responsibility for service provision under an order for  
20 | involuntary outpatient placement, unless the person is  
21 | otherwise participating in outpatient psychiatric treatment  
22 | and is not in need of public financing for that treatment, in  
23 | which case the individual, if eligible, may be ordered to  
24 | involuntary treatment pursuant to the existing psychiatric  
25 | treatment relationship.

26 |         3. The service provider shall prepare a written  
27 | proposed treatment plan in consultation with the patient or  
28 | the patient's guardian advocate, if appointed, for the court's  
29 | consideration for inclusion in the involuntary outpatient  
30 | placement order. The service provider shall also provide a  
31 | copy of the proposed treatment plan to the patient and the

1 administrator of the receiving facility. The treatment plan  
2 must specify the nature and extent of the patient's mental  
3 illness. The treatment plan must address the reduction of  
4 symptoms that necessitate involuntary outpatient placement and  
5 include measurable goals and objectives for the services and  
6 treatment that are provided to treat the person's mental  
7 illness and to assist the person in living and functioning in  
8 the community or to attempt to prevent a relapse or  
9 deterioration. Service providers may select and provide  
10 supervision to other individuals to implement specific aspects  
11 of the treatment plan. The services in the treatment plan must  
12 be deemed to be clinically appropriate by a physician,  
13 clinical psychologist, psychiatric nurse, marriage and family  
14 therapist, or clinical social worker, as defined in this  
15 chapter, who consults with, or is employed or contracted by,  
16 the service provider. The service provider must certify to the  
17 court in the proposed treatment plan whether sufficient  
18 services for improvement and stabilization are currently  
19 available and whether the service provider agrees to provide  
20 those services. If the service provider certifies that the  
21 services in the proposed treatment plan are not available, the  
22 petitioner may not file the petition.

23 (c)1. The administrator of the treatment facility  
24 shall provide a copy of the involuntary outpatient placement  
25 certificate and a copy of the state mental health discharge  
26 form to a department representative in the county where the  
27 patient will be residing. For persons who are leaving a state  
28 mental health treatment facility, the petition for involuntary  
29 outpatient placement must be filed in the county where the  
30 patient will be residing.

31

1           2. The service provider that will have primary  
2 responsibility for service provision shall be identified by  
3 the designated department representative prior to the order  
4 for involuntary outpatient placement and must, prior to filing  
5 a petition for involuntary outpatient placement, certify to  
6 the court whether the services recommended in the patient's  
7 discharge plan are available in the local community and  
8 whether the service provider agrees to provide those services.  
9 The service provider must develop with the patient, or the  
10 patient's guardian advocate, if appointed, a treatment or  
11 service plan that addresses the needs identified in the  
12 discharge plan. The plan must be deemed to be clinically  
13 appropriate by a physician, clinical psychologist, psychiatric  
14 nurse, marriage and family therapist, or clinical social  
15 worker, as defined in this chapter, who consults with, or is  
16 employed or contracted by, the service provider.

17           3. If the service provider certifies that the services  
18 in the proposed treatment or service plan are not available,  
19 the petitioner may not file the petition.

20           Section 4. Paragraph (e) of subsection (6) of section  
21 394.467, Florida Statutes, is amended to read:

22           394.467 Involuntary inpatient placement.--

23           (6) HEARING ON INVOLUNTARY INPATIENT PLACEMENT.--

24           (e) The administrator of the receiving facility shall  
25 provide a copy of the court order and adequate documentation  
26 of a patient's mental illness to the administrator of a  
27 treatment facility whenever a patient is ordered for  
28 involuntary inpatient placement, whether by civil or criminal  
29 court. ~~The~~ Such documentation shall include any advance  
30 directives made by the patient, a psychiatric evaluation of  
31 the patient, and any evaluations of the patient performed by a

1 | clinical psychologist, a marriage and family therapist, or a  
2 | clinical social worker. The administrator of a treatment  
3 | facility may refuse admission to any patient directed to its  
4 | facilities on an involuntary basis, whether by civil or  
5 | criminal court order, who is not accompanied at the same time  
6 | by adequate orders and documentation.

7 |       Section 5. This act shall take effect July 1, 2006.

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10 |                                   SENATE SUMMARY

11 | Defines the term "marriage and family therapist."  
12 | Provides that a marriage and family therapist may execute  
13 | a certificate for involuntary examination. Provides that  
14 | a marriage and family therapist may deem a services  
15 | treatment plan clinically appropriate for an involuntary  
16 | outpatient placement. Requires that documentation of any  
17 | evaluation performed by a marriage and family therapist  
18 | be provided when a patient is ordered for involuntary  
19 | inpatient placement.