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LEGISLATIVE ACTION

Senate

House

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Floor: WD/2R

04/23/2009 11:41 AM

Senator Bennett moved the following:

Senate Amendment (with title amendment)

Delete lines 17 - 153

and insert:

Section 1. Present paragraphs (k) and (l) of subsection (1) of section 394.462, Florida Statutes, are redesignated as paragraphs (l) and (m), respectively, a new paragraph (k) is added to that subsection, present subsection (3) of that section is renumbered as subsection (4), and a new subsection (3) is added to that section, to read:

394.462 Transportation.—

(1) TRANSPORTATION TO A RECEIVING FACILITY.—



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13 (k) Each law enforcement agency shall develop a memorandum
14 of understanding with each receiving facility within the law
15 enforcement agency's jurisdiction which reflects a single set of
16 protocols for the safe and secure transportation of the person
17 and transfer of custody of the person. The protocols must also
18 address crisis-intervention measures.

19 (3) TRANSFER OF CUSTODY.—Custody of a person who is
20 transported pursuant to this part, along with related
21 documentation, shall be relinquished to a responsible individual
22 at the appropriate receiving or treatment facility.

23 Section 2. Paragraphs (a) and (b) of subsection (2) of
24 section 394.4655, Florida Statutes, are amended to read:

25 394.4655 Involuntary outpatient placement.—

26 (2) INVOLUNTARY OUTPATIENT PLACEMENT.—

27 (a)1. A patient who is being recommended for involuntary
28 outpatient placement by ~~may be retained by a receiving facility~~
29 ~~upon the recommendation of the administrator of the~~ a receiving
30 facility where the patient has been examined may be retained by
31 the facility ~~and~~ after adherence to the notice ~~of hearing~~
32 procedures provided in s. 394.4599. The recommendation must be
33 supported by the opinion of a psychiatrist and the second
34 opinion of a clinical psychologist or another psychiatrist, both
35 of whom have personally examined the patient, face-to face,
36 within the preceding 72 hours, that the criteria for involuntary
37 outpatient placement are met. However, in a county having a
38 population of fewer than 50,000, if the administrator certifies
39 that a ~~ne~~ psychiatrist or clinical psychologist is not available
40 to provide the second opinion, the second opinion may be
41 provided through a face-to-face examination, conducted by a



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42 licensed physician who has postgraduate training and experience
43 in diagnosis and treatment of mental and nervous disorders or by
44 a psychiatric nurse ~~as defined in this chapter~~. Such a
45 recommendation must be entered on an involuntary outpatient
46 placement certificate that authorizes, ~~which certificate must~~
47 ~~authorize~~ the receiving facility to retain the patient pending
48 completion of a hearing. The certificate shall be made a part of
49 the patient's clinical record.

50 2. If the patient has been stabilized and no longer meets
51 the criteria for involuntary examination pursuant to s.
52 394.463(1), the patient must be released from the receiving
53 facility while awaiting the hearing for involuntary outpatient
54 placement. Before ~~Prior to~~ filing a petition for involuntary
55 outpatient treatment, the administrator of a receiving facility
56 or a designated department representative must ~~shall~~ identify
57 the service provider that will have primary responsibility for
58 service provision under an order for involuntary outpatient
59 placement, unless the person is otherwise participating in
60 outpatient psychiatric treatment and is not in need of public
61 financing for that treatment, in which case the individual, if
62 eligible, may be ordered to involuntary treatment pursuant to
63 the existing psychiatric treatment relationship.

64 3. The service provider shall prepare a written proposed
65 treatment plan in consultation with the patient or the patient's
66 guardian advocate, if appointed, for the court's consideration
67 for inclusion in the involuntary outpatient placement order. The
68 service provider shall also provide a copy of the proposed
69 treatment plan to the patient and the administrator of the
70 receiving facility. The treatment plan must specify the nature



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71 and extent of the patient's mental illness, ~~The treatment plan~~
72 ~~must~~ address the reduction of symptoms that necessitate
73 involuntary outpatient placement, and include measurable goals
74 and objectives for the services and treatment that are provided
75 to treat the person's mental illness and ~~to~~ assist the person in
76 living and functioning in the community or to ~~attempt to~~ prevent
77 a relapse or deterioration. Service providers may select and
78 supervise ~~provide supervision to~~ other individuals to implement
79 specific aspects of the treatment plan. The services in the
80 treatment plan must be deemed ~~to be~~ clinically appropriate by a
81 physician, clinical psychologist, psychiatric nurse, mental
82 health counselor, marriage and family therapist, or clinical
83 social worker, ~~as defined in this chapter,~~ who consults with, or
84 is employed or contracted by, the service provider. The service
85 provider must certify to the court in the proposed treatment
86 plan whether sufficient services for improvement and
87 stabilization are currently available and whether the service
88 provider agrees to provide those services. If the service
89 provider certifies that the services in the proposed treatment
90 plan are not available, the petitioner may not file the
91 petition.

92 (b) If a patient in involuntary inpatient placement meets
93 the criteria for involuntary outpatient placement, the
94 administrator of the treatment facility may, before the
95 expiration of the period during which the treatment facility is
96 authorized to retain the patient, recommend involuntary
97 outpatient placement. The recommendation must be supported by
98 the opinion of a psychiatrist and the second opinion of a
99 clinical psychologist or another psychiatrist, both of whom have



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100 personally examined the patient, face-to-face, within the
101 preceding 72 hours, that the criteria for involuntary outpatient
102 placement are met. However, in a county having a population of
103 fewer than 50,000, if the administrator certifies that a ~~ne~~
104 psychiatrist or clinical psychologist is not available to
105 provide the second opinion, the second opinion may be provided
106 through a face-to-face examination, conducted by a licensed
107 physician who has postgraduate training and experience in
108 diagnosis and treatment of mental and nervous disorders or by a
109 psychiatric nurse ~~as defined in s. 394.455(23)~~. Such a
110 recommendation must be entered on an involuntary outpatient
111 placement certificate, and the certificate must ~~shall~~ be made a
112 part of the patient's clinical record.

113 Section 3. Subsection (2) of section 394.467, Florida
114 Statutes, is amended to read:

115 394.467 Involuntary inpatient placement.—

116 (2) ADMISSION TO A TREATMENT FACILITY.—A patient may be
117 retained by a receiving facility or involuntarily placed in a
118 treatment facility upon the recommendation of the administrator
119 of the ~~a~~ receiving facility where the patient has been examined
120 and after adherence to the notice and hearing procedures
121 provided in s. 394.4599. The recommendation must be supported by
122 the opinion of a psychiatrist and the second opinion of a
123 clinical psychologist or another psychiatrist, both of whom have
124 personally examined the patient, face-to-face, within the
125 preceding 72 hours, that the criteria for involuntary inpatient
126 placement are met. However, in a county that has a population of
127 fewer ~~counties of less~~ than 50,000 population, if the
128 administrator certifies that a ~~ne~~ psychiatrist or clinical



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129 psychologist is not available to provide the second opinion, the
130 ~~such~~ second opinion may be provided through a face-to-face
131 examination, conducted by a licensed physician who has ~~with~~
132

133 ===== T I T L E A M E N D M E N T =====

134 And the title is amended as follows:

135 Delete lines 3 - 13

136 and insert:

137 394.462, F.S.; requiring a law enforcement agency that
138 transports persons to a receiving facility to have a
139 memorandum of understanding with the facility;
140 requiring that custody of a person who is transported
141 to a receiving or treatment facility be relinquished
142 to a responsible person at the facility; amending ss.
143 394.4655 and 394.467, F.S.; specifying that a
144 psychiatric examination by certain personnel be
145 conducted face-to-face; providing an effective date.