

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Children, Families &
 2 Seniors Subcommittee
 3 Representative Peters offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 394.453, Florida Statutes, is amended
 8 to read:

9 394.453 Legislative findings and intent.—

10 (1) It is the intent of the Legislature:

11 (a) To authorize and direct the Department of Children and
 12 Families to evaluate, research, plan, and recommend to the
 13 Governor and the Legislature programs designed to reduce the
 14 occurrence, severity, duration, and disabling aspects of mental,
 15 emotional, and behavioral disorders.

16 (b) ~~It is the intent of the Legislature~~ That treatment
 17 programs for such disorders shall include, but not be limited

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18 to, comprehensive health, social, educational, and
19 rehabilitative services to persons requiring intensive short-
20 term and continued treatment in order to encourage them to
21 assume responsibility for their treatment and recovery. It is
22 intended that:

23 1. Such persons be provided with emergency service and
24 temporary detention for evaluation when required;

25 2. Such persons ~~that they~~ be admitted to treatment
26 facilities on a voluntary basis when extended or continuing care
27 is needed and unavailable in the community;

28 3. ~~that~~ Involuntary placement be provided only when expert
29 evaluation determines that it is necessary;

30 4. ~~that~~ Any involuntary treatment or examination be
31 accomplished in a setting that ~~which~~ is clinically appropriate
32 and most likely to facilitate the person's return to the
33 community as soon as possible; and

34 5. ~~that~~ Individual dignity and human rights be guaranteed
35 to all persons who are admitted to mental health facilities or
36 who are being held under s. 394.463. ~~It is the further intent of~~
37 ~~the Legislature that the least restrictive means of intervention~~
38 ~~be employed based on the individual needs of each person, within~~
39 ~~the scope of available services.~~

40 (c) That services provided to persons in this state use
41 the coordination-of-care principles characteristic of recovery-
42 oriented services and include social support services, such as
43 housing support, life skills and vocational training, and

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44 employment assistance, necessary for persons with mental health
45 and substance use disorders to live successfully in their
46 communities.

47 (d) That state policy and funding decisions be driven by
48 data concerning populations served and the effectiveness of
49 services provided.

50 (e) To authorize licensed, qualified health professionals
51 to practice to the full extent of their education and training
52 in the performance of professional functions necessary to carry
53 out the intent of this part.

54 (2) It is the policy of this state that the use of
55 restraint and seclusion on clients is justified only as an
56 emergency safety measure to be used in response to imminent
57 danger to the client or others. It is, therefore, the intent of
58 the Legislature to achieve an ongoing reduction in the use of
59 restraint and seclusion in programs and facilities serving
60 persons with mental illness.

61 Section 2. Paragraph (e) of subsection (2) of section
62 394.463, Florida Statutes, is amended to read:

63 394.463 Involuntary examination.—

64 (2) INVOLUNTARY EXAMINATION.—

65 (e) The Agency for Health Care Administration shall
66 receive and maintain the copies of ex parte orders, involuntary
67 outpatient placement orders issued pursuant to s. 394.4655,
68 involuntary inpatient placement orders issued pursuant to s.
69 394.467, professional certificates, and law enforcement

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70 officers' reports. The agency shall provide copies of these
71 orders, certificates, and reports to the department on a monthly
72 or more frequent basis. These documents shall be considered part
73 of the clinical record, governed by the provisions of s.
74 394.4615. The agency shall prepare annual reports analyzing the
75 data obtained from these documents, without information
76 identifying patients, and shall provide copies of reports to the
77 department, the President of the Senate, the Speaker of the
78 House of Representatives, and the minority leaders of the Senate
79 and the House of Representatives.

80 Section 3. Paragraph (b) of subsection (6) of section
81 394.4655, Florida Statutes, is amended to read:

82 394.4655 Involuntary outpatient placement.—

83 (6) HEARING ON INVOLUNTARY OUTPATIENT PLACEMENT.—

84 (b)1. If the court concludes that the patient meets the
85 criteria for involuntary outpatient placement pursuant to
86 subsection (1), the court shall issue an order for involuntary
87 outpatient placement. The court order shall be for a period of
88 up to 90 days ~~6 months~~. The order must specify the nature and
89 extent of the patient's mental illness. The order of the court
90 and the treatment plan shall be made part of the patient's
91 clinical record. The service provider shall discharge a patient
92 from involuntary outpatient placement when the order expires or
93 any time the patient no longer meets the criteria for
94 involuntary placement. Upon discharge, the service provider
95 shall send a certificate of discharge to the court.

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96 2. The court may not order the department or the service
97 provider to provide services if the program or service is not
98 available in the patient's local community, if there is no space
99 available in the program or service for the patient, or if
100 funding is not available for the program or service. A copy of
101 the order must be sent to the Agency for Health Care
102 Administration by the service provider within 1 working day
103 after it is received from the court. After the placement order
104 is issued, the service provider and the patient may modify
105 provisions of the treatment plan. For any material modification
106 of the treatment plan to which the patient or the patient's
107 guardian advocate, if appointed, does agree, the service
108 provider shall send notice of the modification to the court. Any
109 material modifications of the treatment plan which are contested
110 by the patient or the patient's guardian advocate, if appointed,
111 must be approved or disapproved by the court consistent with
112 subsection (2).

113 3. If, in the clinical judgment of a physician, the
114 patient has failed or has refused to comply with the treatment
115 ordered by the court, and, in the clinical judgment of the
116 physician, efforts were made to solicit compliance and the
117 patient may meet the criteria for involuntary examination, a
118 person may be brought to a receiving facility pursuant to s.
119 394.463. If, after examination, the patient does not meet the
120 criteria for involuntary inpatient placement pursuant to s.
121 394.467, the patient must be discharged from the receiving

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122 facility. The involuntary outpatient placement order shall
123 remain in effect unless the service provider determines that the
124 patient no longer meets the criteria for involuntary outpatient
125 placement or until the order expires. The service provider must
126 determine whether modifications should be made to the existing
127 treatment plan and must attempt to continue to engage the
128 patient in treatment. For any material modification of the
129 treatment plan to which the patient or the patient's guardian
130 advocate, if appointed, does agree, the service provider shall
131 send notice of the modification to the court. Any material
132 modifications of the treatment plan which are contested by the
133 patient or the patient's guardian advocate, if appointed, must
134 be approved or disapproved by the court consistent with
135 subsection (2).

136 Section 4. Paragraph (b) of subsection (6) and paragraph
137 (d) of subsection (7) of section 394.467, Florida Statutes, is
138 amended to read:

139 394.467 Involuntary inpatient placement.—

140 (6) HEARING ON INVOLUNTARY INPATIENT PLACEMENT.—

141 (b) If the court concludes that the patient meets the
142 criteria for involuntary inpatient placement, it shall order
143 that the patient be transferred to a treatment facility or, if
144 the patient is at a treatment facility, that the patient be
145 retained there or be treated at any other appropriate receiving
146 or treatment facility, or that the patient receive services from
147 a receiving or treatment facility, on an involuntary basis. 7

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148 The order shall be for 90 days, unless the order is for
149 treatment at a state treatment facility, in which case it shall
150 be for a period of up to 6 months. The order shall specify the
151 nature and extent of the patient's mental illness. The facility
152 shall discharge a patient any time the patient no longer meets
153 the criteria for involuntary inpatient placement, unless the
154 patient has transferred to voluntary status.

155 (7) PROCEDURE FOR CONTINUED INVOLUNTARY INPATIENT
156 PLACEMENT.—

157 (d) If at a hearing it is shown that the patient continues
158 to meet the criteria for involuntary inpatient placement, the
159 administrative law judge shall sign the order for continued
160 involuntary inpatient placement. The order shall be for 90 days,
161 unless the order is for treatment at a state treatment facility,
162 in which case it shall be for a period not to exceed 6 months.
163 The same procedure shall be repeated prior to the expiration of
164 each additional period the patient is retained.

165 Section 5. Section 397.305, Florida Statutes, is amended
166 to read:

167 397.305 Legislative findings, intent, and purpose.—

168 (4) It is the intent of the Legislature to authorize
169 licensed, qualified health professionals to practice to the full
170 extent of their education and training in the performance of
171 professional functions necessary to carry out the intent of this
172 chapter.

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173 (5) It is the intent of the Legislature that state policy
174 and funding decisions be driven by data concerning the
175 populations served and the effectiveness of services provided.

176 (6) It is the intent of the Legislature to establish
177 expectations that services provided to persons in this state use
178 the coordination-of-care principles characteristic of recovery-
179 oriented services and include social support services, such as
180 housing support, life skills and vocational training, and
181 employment assistance, necessary for persons with mental health
182 and substance use disorders to live successfully in their
183 communities.

184 Section 6. Section 397.675, Florida Statutes, is amended
185 to read:

186 397.675 Criteria for involuntary admissions, including
187 protective custody, emergency admission, and other involuntary
188 assessment, involuntary treatment, and alternative involuntary
189 assessment for minors, for purposes of assessment and
190 stabilization, and for involuntary treatment.—A person meets the
191 criteria for involuntary admission if there is good faith reason
192 to believe the person is substance abuse impaired and, because
193 of this condition, has refused services or is unable to
194 determine whether services are necessary. The refusal of
195 services is insufficient evidence of an inability to determine
196 whether an examination is necessary unless, without care or
197 treatment is substance abuse impaired and, because of such
198 impairment:

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199 (1) The person is likely to neglect or refuse care for
200 himself or herself to the extent that the neglect or refusal
201 poses a real and present threat of substantial harm to his or
202 her well-being;

203 (2) The person is at risk of the deterioration of his or
204 her physical or mental health and this condition may not be
205 avoided despite assistance from willing family members, friends,
206 or other services; or

207 (3) There is a substantial likelihood that the person will
208 cause serious bodily harm to himself or herself or others, as
209 shown by the person's recent behavior. ~~Has lost the power of~~
210 ~~self-control with respect to substance use; and either~~

211 ~~(2) (a) Has inflicted, or threatened or attempted to~~
212 ~~inflict, or unless admitted is likely to inflict, physical harm~~
213 ~~on himself or herself or another; or~~

214 ~~(b) Is in need of substance abuse services and, by reason~~
215 ~~of substance abuse impairment, his or her judgment has been so~~
216 ~~impaired that the person is incapable of appreciating his or her~~
217 ~~need for such services and of making a rational decision in~~
218 ~~regard thereto; however, mere refusal to receive such services~~
219 ~~does not constitute evidence of lack of judgment with respect to~~
220 ~~his or her need for such services.~~

221 Section 7. Section 397.679, Florida Statutes, is amended
222 to read:

223 397.679 Emergency admission; circumstances justifying.—A
224 person who meets the criteria for involuntary admission in s.

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225 397.675 may be admitted to a hospital or to a licensed
226 detoxification facility or addictions receiving facility for
227 emergency assessment and stabilization, or to a less intensive
228 component of a licensed service provider for assessment only,
229 upon receipt by the facility of the professional's ~~physician's~~
230 certificate and the completion of an application for emergency
231 admission.

232 Section 8. Subsection (1) of section 397.6791, Florida
233 Statutes, is amended to read:

234 397.6791 Emergency admission; persons who may initiate.-
235 The following persons may request an emergency admission:

236 (1) In the case of an adult, the certifying professional
237 pursuant to s. 397.6793 ~~physician~~, the person's spouse or legal
238 guardian, any relative of the person, or any other responsible
239 adult who has personal knowledge of the person's substance abuse
240 impairment.

241 Section 9. Section 397.6793, Florida Statutes, is amended
242 to read:

243 397.6793 Professional's ~~Physician's~~ certificate for
244 emergency admission.-

245 (1) A physician, clinical psychologist, physician's
246 assistant, psychiatric nurse, advanced registered nurse
247 practitioner, mental health counselor, marriage and family
248 therapist, master's level certified addiction professional for
249 substance abuse services, or clinical social worker may execute
250 a certificate stating that he or she has examined a person

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251 within the preceding 5 days and finds that the person appears to
252 meet the criteria for emergency admission and stating the
253 observations upon which that conclusion is based. The
254 professional's ~~physician's~~ certificate must include the name of
255 the person to be admitted, the relationship between the person
256 and the professional executing the certificate ~~physician~~, the
257 relationship between the applicant and the professional
258 executing the certificate ~~physician~~, and any relationship
259 between the professional executing the certificate ~~physician~~ and
260 the licensed service provider, ~~and a statement that the person~~
261 ~~has been examined and assessed within 5 days of the application~~
262 ~~date,~~ and must include factual allegations with respect to the
263 need for emergency admission, including the reason for the
264 professional's belief:

265 (a) ~~The reason for the physician's belief~~ That the person
266 is substance abuse impaired; and

267 (b) That the person meets the criteria in s. 397.675(1),
268 (2), or (3). ~~The reason for the physician's belief that because~~
269 ~~of such impairment the person has lost the power of self-control~~
270 ~~with respect to substance abuse; and either~~

271 (c) ~~1. The reason the physician believes that the person~~
272 ~~has inflicted or is likely to inflict physical harm on himself~~
273 ~~or herself or others unless admitted; or~~

274 ~~2. The reason the physician believes that the person's~~
275 ~~refusal to voluntarily receive care is based on judgment so~~
276 ~~impaired by reason of substance abuse that the person is~~

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277 ~~incapable of appreciating his or her need for care and of making~~
278 ~~a rational decision regarding his or her need for care.~~

279 (2) The professional ~~physician's~~ certificate must
280 recommend the least restrictive type of service that is
281 appropriate for the person. The certificate must be signed by
282 the professional ~~physician~~.

283 (3) A signed copy of the professional's ~~physician's~~
284 certificate shall accompany the person, and shall be made a part
285 of the person's clinical record, together with a signed copy of
286 the application. The application and professional's ~~physician's~~
287 certificate authorize the involuntary admission of the person
288 pursuant to, and subject to the provisions of, ss. 397.679-
289 397.6797.

290 (4) The professional's ~~physician's~~ certificate must
291 indicate whether the person requires transportation assistance
292 for delivery for emergency admission and specify, pursuant to s.
293 397.6795, the type of transportation assistance necessary.

294 Section 10. Section 397.6795, Florida Statutes, is amended
295 to read:

296 397.6795 Transportation-assisted delivery of persons for
297 emergency assessment.—An applicant for a person's emergency
298 admission, or the person's spouse or guardian, a law enforcement
299 officer, or a health officer may deliver a person named in the
300 professional's ~~physician's~~ certificate for emergency admission
301 to a hospital or a licensed detoxification facility or

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302 addictions receiving facility for emergency assessment and
303 stabilization.

304 Section 11. Subsection (1) of section 397.681, Florida
305 Statutes, is amended to read:

306 397.681 Involuntary petitions; general provisions; court
307 jurisdiction and right to counsel.—

308 (1) JURISDICTION.—The courts have jurisdiction of
309 involuntary assessment and stabilization petitions and
310 involuntary treatment petitions for substance abuse impaired
311 persons. ~~and~~ Such petitions must be filed with the clerk of
312 the court in the county where the person is located, and no fee
313 may be charged for filing such petitions. The chief judge may
314 appoint a general or special magistrate to preside over all or
315 part of the proceedings. The alleged impaired person is named as
316 the respondent.

317 Section 12. Subsection (1) of section 397.6811, Florida
318 Statutes, is amended to read:

319 397.6811 Involuntary assessment and stabilization.—A
320 person determined by the court to appear to meet the criteria
321 for involuntary admission under s. 397.675 may be admitted for a
322 period of 5 days to a hospital or to a licensed detoxification
323 facility or addictions receiving facility, for involuntary
324 assessment and stabilization or to a less restrictive component
325 of a licensed service provider for assessment only upon entry of
326 a court order or upon receipt by the licensed service provider

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327 of a petition. Involuntary assessment and stabilization may be
328 initiated by the submission of a petition to the court.

329 (1) If the person upon whose behalf the petition is being
330 filed is an adult, a petition for involuntary assessment and
331 stabilization may be filed by the respondent's spouse or
332 guardian, any relative, a private practitioner, the director of
333 a licensed service provider or the director's designee, or an
334 adult ~~any three adults~~ who has ~~have~~ personal knowledge of the
335 respondent's substance abuse impairment.

336 Section 13. Subsection (4) is added to section 397.6818,
337 Florida Statutes, to read:

338 397.6818 Court determination.—At the hearing initiated in
339 accordance with s. 397.6811(1), the court shall hear all
340 relevant testimony. The respondent must be present unless the
341 court has reason to believe that his or her presence is likely
342 to be injurious to him or her, in which event the court shall
343 appoint a guardian advocate to represent the respondent. The
344 respondent has the right to examination by a court-appointed
345 qualified professional. After hearing all the evidence, the
346 court shall determine whether there is a reasonable basis to
347 believe the respondent meets the involuntary admission criteria
348 of s. 397.675.

349 (4) The order is valid only for the period specified in
350 the order, or for 7 days after the order is signed if no period
351 is specified.

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352 Section 14. Section 397.6819, Florida Statutes, is amended
353 to read:

354 397.6819 Involuntary assessment and stabilization;
355 responsibility of licensed service provider.—A licensed service
356 provider may admit an individual for involuntary assessment and
357 stabilization ~~for a period not to exceed 5 days~~. The individual
358 must be assessed within 72 hours without unnecessary delay by a
359 qualified professional. If an assessment is performed by a
360 qualified professional who is not a physician, the assessment
361 must be reviewed by a physician before the end of the assessment
362 period. If the licensed physician determines the individual
363 continues to meet criteria for needing involuntary
364 stabilization, the individual may be held for up to a total of
365 five days, unless a petition for involuntary treatment has been
366 initiated, which authorizes the licensed service provider to
367 retain physical custody of the person pending further order of
368 the court pursuant to s. 397.6822.

369 Section 15. Section 397.6821, Florida Statutes, is
370 repealed.

371 Section 16. Section 397.6955, Florida Statutes, is amended
372 to read:

373 397.6955 Duties of court upon filing of petition for
374 involuntary treatment.—Upon the filing of a petition for the
375 involuntary treatment of a substance abuse impaired person with
376 the clerk of the court, the court shall immediately determine
377 whether the respondent is represented by an attorney or whether

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378 the appointment of counsel for the respondent is appropriate.
379 The court shall schedule a hearing to be held on the petition
380 within 5 ~~10~~ days, unless a continuance is granted. A copy of the
381 petition and notice of the hearing must be provided to the
382 respondent; the respondent's parent, guardian, or legal
383 custodian, in the case of a minor; the respondent's attorney, if
384 known; the petitioner; the respondent's spouse or guardian, if
385 applicable; and such other persons as the court may direct, and
386 have such petition and order personally delivered to the
387 respondent if he or she is a minor. The court shall also issue a
388 summons to the person whose admission is sought.

389 Section 17. Subsection (1) of section 397.697, Florida
390 Statutes, is amended to read:

391 397.697 Court determination; effect of court order for
392 involuntary substance abuse treatment.-

393 (1) When the court finds that the conditions for
394 involuntary substance abuse treatment have been proved by clear
395 and convincing evidence, it may order the respondent to undergo
396 involuntary treatment by a licensed service provider for a
397 period not to exceed 90 ~~60~~ days. If the court finds it
398 necessary, it may direct the sheriff to take the respondent into
399 custody and deliver him or her to the licensed service provider
400 specified in the court order, or to the nearest appropriate
401 licensed service provider, for involuntary treatment. When the
402 conditions justifying involuntary treatment no longer exist, the
403 individual must be released as provided in s. 397.6971. When the

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404 conditions justifying involuntary treatment are expected to
405 exist after 90 ~~60~~ days of treatment, a renewal of the
406 involuntary treatment order may be requested pursuant to s.
407 397.6975 before ~~prior to~~ the end of the 90-day ~~60-day~~ period.

408 Section 18. Section 397.6971, Florida Statutes, is amended
409 to read:

410 397.6971 Early release from involuntary substance abuse
411 treatment.—

412 (1) At any time before ~~prior to~~ the end of the 90-day ~~60-~~
413 ~~day~~ involuntary treatment period, or before ~~prior to~~ the end of
414 any extension granted pursuant to s. 397.6975, an individual
415 admitted for involuntary treatment may be determined eligible
416 for discharge to the most appropriate referral or disposition
417 for the individual when:

418 (a) The individual no longer meets the criteria specified
419 in s. 397.675 for involuntary admission and has given his or her
420 informed consent to be transferred to voluntary treatment
421 status;

422 (b) If the individual was admitted on the grounds of
423 likelihood of infliction of physical harm upon himself or
424 herself or others, such likelihood no longer exists; ~~or~~

425 (c) If the individual was admitted on the grounds of need
426 for assessment and stabilization or treatment, accompanied by
427 inability to make a determination respecting such need, either:

428 1. Such inability no longer exists; or

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429 2. It is evident that further treatment will not bring
430 about further significant improvements in the individual's
431 condition;

432 (d) The individual is no longer in need of services; or

433 (e) The director of the service provider determines that
434 the individual is beyond the safe management capabilities of the
435 provider.

436 (2) Whenever a qualified professional determines that an
437 individual admitted for involuntary treatment is ready for early
438 release for any of the reasons listed in subsection (1), the
439 service provider shall immediately discharge the individual, and
440 must notify all persons specified by the court in the original
441 treatment order.

442 Section 19. Section 397.6977, Florida Statutes, is amended
443 to read:

444 397.6977 Disposition of individual upon completion of
445 involuntary substance abuse treatment.—At the conclusion of the
446 90-day ~~60-day~~ period of court-ordered involuntary treatment, the
447 individual is automatically discharged unless a motion for
448 renewal of the involuntary treatment order has been filed with
449 the court pursuant to s. 397.6975.

450 Section 20. Paragraph (a) of subsection (1) of section
451 397.6773, Florida Statutes, is amended to read:

452 397.6773 Dispositional alternatives after protective
453 custody.—

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454 (1) An individual who is in protective custody must be
455 released by a qualified professional when:

456 (a) The individual no longer meets the involuntary
457 admission criteria in s. 397.675~~(1)~~;

458 Section 21. This act shall take effect July 1, 2016.
459
460

461 -----
462 **T I T L E A M E N D M E N T**

463 Remove everything before the enacting clause and insert:
464 An act relating to behavioral health care services; amending s.
465 394.453, F.S.; revising legislative intent and providing
466 legislative findings for the Florida Mental Health Act; amending
467 s. 394.463, F.S.; requiring the sharing of copies of certain
468 documents by the Agency for Health Care Administration with the
469 department; amending s. 394.4655, F.S.; limiting the maximum
470 duration of involuntary outpatient commitment orders; amending
471 s. 394.467, F.S.; limiting involuntary inpatient commitment
472 orders to be for up to 90 days under certain circumstances;
473 amending s. 397.305, F.S.; revising legislative intent with
474 respect to mental health and substance abuse treatment services;
475 amending s. 397.675, F.S.; revising criteria for involuntary
476 admission for assessment, stabilization, and treatment of
477 persons with substance abuse impairment; amending s. 397.679,
478 F.S.; renaming the physician's certificate as the professional's
479 certificate; amending s. 397.6791, F.S.; renaming the

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480 physician's certificate as the professional's certificate and
481 making a cross-reference; amending s. 397.6793, F.S.; specifying
482 professionals authorized to execute a certificate for emergency
483 admission; providing criteria for emergency admission; amending
484 s. 397.6795, F.S.; renaming the physician's certificate as the
485 professional's certificate; amending s. 397.681, F.S.;
486 prohibiting a court from charging a fee for the filing of a
487 petition for involuntary assessment and stabilization or a
488 petition for involuntary treatment; amending s. 397.6811, F.S.;
489 revising who may file a petition for involuntary assessment and
490 stabilization; amending s. 397.6818, F.S.; providing a time
491 limitation on a court order authorizing involuntary assessment
492 and stabilization; amending s. 397.6819, F.S.; revising the
493 responsibilities of service providers who admit an individual
494 for an involuntary assessment and stabilization; repealing s.
495 397.6821, F.S., relating to extension of time for completion of
496 involuntary assessment and stabilization; amending s. 397.6955,
497 F.S.; revising requirements for scheduling a hearing on a
498 petition for involuntary treatment; amending ss. 397.697,
499 397.6971 and 397.6977, F.S.; revising the maximum duration of
500 court-ordered involuntary treatment and conforming provisions;
501 amending s. 397.6773, F.S.; amending a cross-reference;
502 providing an effective date.

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