

1 A bill to be entitled
2 An act relating to the Baker Act; requiring the
3 Department of Children and Families to create a
4 workgroup to provide recommendations relating to
5 revision of the Baker Act; requiring the workgroup to
6 make recommendations on specified topics; providing
7 for membership of the workgroup; providing for
8 meetings; requiring the workgroup to meet by a
9 specified date; requiring the workgroup to review a
10 draft of its recommendations by a specified date;
11 requiring the workgroup to submit a final report to
12 specified entities and the Legislature by a specified
13 date; amending s. 394.4625, F.S.; requiring the
14 administrator of a receiving facility to file a
15 petition for voluntary placement within a specified
16 timeframe after a person under age 18 is admitted for
17 services or transferred to voluntary status; requiring
18 the court to hold a hearing within a specified
19 timeframe to verify consent under certain
20 circumstances; amending s. 394.499, F.S.; requiring
21 the administrator of a children's crisis stabilization
22 unit or a juvenile addictions receiving facility to
23 file a petition for voluntary placement within a
24 specified timeframe after a person under age 18 is
25 admitted for services; requiring the court to hold a

26 hearing within a specified timeframe to verify consent
 27 under certain circumstances; providing an effective
 28 date.

30 Be It Enacted by the Legislature of the State of Florida:

31
 32 Section 1. Workgroup to improve operational effectiveness
 33 of the Baker Act.—The Department of Children and Families shall
 34 create a workgroup to evaluate methods to improve the
 35 operational effectiveness of the Baker Act and recommend changes
 36 to existing laws, rules, and agency policies needed to implement
 37 the workgroup's recommendations.

38 (1) At a minimum, the workgroup shall evaluate and make
 39 recommendations on the following:

40 (a) The timeframe for initial assessment of a patient,
 41 including whether the timeframe should be lengthened.

42 (b) The use of advanced registered nurse practitioners to
 43 rescind Baker Act commitments.

44 (c) The use of telemedicine for patient evaluation, case
 45 management, and ongoing care, including recommendations by the
 46 courts on the use of telemedicine to improve management of
 47 patient care and to reduce costs of transportation and public
 48 safety.

49 (d) The use of telecommunication for case management and
 50 hearings, including recommendations by the courts on the use of

51 telecommunication to improve delivery of judicial services,
52 increase efficiency, and enhance public safety.

53 (e) The 7-day requirement for followup care and its
54 applicability to outpatient providers.

55 (f) Other areas deemed by the workgroup where changes
56 would improve the operational effectiveness of the Baker Act.

57 (2) The workgroup shall consist of the following
58 stakeholders:

59 (a) A representative of the Department of Children and
60 Families, who shall serve as chair, appointed by the Secretary
61 of Children and Families.

62 (b) Two representatives of public Baker Act receiving
63 facilities and two representatives of specialty hospitals,
64 appointed by the Florida Hospital Association.

65 (c) Two representatives of crisis stabilization units,
66 appointed by the Department of Children and Families.

67 (d) A representative of law enforcement agencies,
68 appointed by the Florida Sheriffs Association.

69 (e) Three members of the judiciary and three general
70 magistrates who regularly evaluate and hear Baker Act cases,
71 appointed by the Chief Justice of the Supreme Court. The judges
72 and general magistrates shall be selected equally from large,
73 medium, and small judicial circuits.

74 (f) Three public defenders selected from large, medium and
75 small circuits, appointed by the Florida Public Defender

76 Association.

77 (g) Three state attorneys selected from large, medium, and
78 small circuits, appointed by the Florida Prosecuting Attorneys
79 Association.

80 (h) A physician who provides care within a Baker Act
81 receiving facility, appointed by the Florida Medical
82 Association.

83 (i) A physician who regularly screens patients who meet
84 Baker Act criteria, appointed by the Florida College of
85 Emergency Physicians.

86 (j) A representative from a managing entity, appointed by
87 the Secretary of Children and Families.

88 (k) A representative of the Agency for Health Care
89 Administration, appointed by the Secretary of Health Care
90 Administration.

91 (l) Two representatives of the Florida Council for
92 Community Mental Health, appointed by the council.

93 (m) An advanced registered nurse practitioner who works in
94 a Baker Act receiving facility and who treats patients who meet
95 Baker Act criteria, appointed by the Florida Nurses Association.

96 (n) Two advanced registered nurse practitioners who are
97 nationally certified in mental health, one appointed by the
98 Florida Association of Nurse Practitioners, and one appointed by
99 the Florida Nurse Practitioner Network.

100 (o) A psychologist licensed under chapter 490, Florida

101 Statutes, appointed by the Florida Psychological Association.

102 (p) A psychiatrist with experience in the Baker Act,
103 appointed by the Florida Psychiatric Society.

104 (3) The workgroup shall meet in Tallahassee and shall
105 determine the frequency of its meetings. Individual workgroup
106 members are responsible for their travel expenses.

107 (4) Members of the workgroup shall be appointed by June 1,
108 2018, and the first meeting of the workgroup must take place
109 before July 1, 2018. The workgroup shall review a draft of its
110 recommendations before September 1, 2018. By November 1, 2018,
111 the workgroup shall provide a final report to the Secretary of
112 Children and Families, the Secretary of Health Care
113 Administration, the President of the Senate, and the Speaker of
114 the House of Representatives. The report must include the
115 workgroup's findings and recommended statutory and
116 administrative rule changes.

117 Section 2. Paragraph (a) of subsection (1) and subsection
118 (4) of section 394.4625, Florida Statutes, are amended to read:

119 394.4625 Voluntary admissions.—

120 (1) AUTHORITY TO RECEIVE PATIENTS.—

121 (a) A facility may receive for observation, diagnosis, or
122 treatment any person 18 years of age or older making application
123 to the facility by express and informed consent for admission or
124 any person age 17 or under for whom such application is made by
125 his or her parent or legal guardian. If found to show evidence

126 of mental illness, to be competent to provide express and
127 informed consent, and to be suitable for treatment, such person
128 18 years of age or older may be admitted to the facility.

129 1. Within 24 hours after a person age 17 or under is
130 admitted for observation, diagnosis, or treatment or transferred
131 to voluntary status pursuant to subsection (4), the
132 administrator of the facility shall file with the court in the
133 county where such person is located a petition for voluntary
134 placement. Such petition shall include all forms and information
135 as required by the department, including, but not limited to,
136 the application for voluntary admission or application to
137 transfer to voluntary status; the express and informed consent
138 of the person age 17 or under and his or her parent or legal
139 guardian to admission for treatment; certification that the
140 disclosures required under s. 394.459 to obtain such express and
141 informed consent were communicated to the person and his or her
142 parent or legal guardian; and pertinent demographic information
143 about the person and his or her parent or legal guardian,
144 including whether a parenting plan in a final judgment of
145 dissolution of marriage or a final judgment of paternity has
146 been entered, whether the parent or legal guardian is authorized
147 to make health care decisions on behalf of the person, and
148 certification that a copy of the final judgment or other
149 document that establishes the authority of the parent or legal
150 guardian has been or will be provided to the court. Upon filing,

151 the clerk of the court shall provide copies to the department,
152 to the person age 17 or under, and to his or her parent or legal
153 guardian. A fee may not be charged for the filing of a petition
154 under this subparagraph.

155 2. Unless a continuance is granted, a court shall hold a
156 hearing within 5 court working days after a person age 17 or
157 under ~~is~~ may be admitted ~~only after a hearing~~ to verify that the
158 ~~voluntariness of the consent to admission is voluntary.~~

159 (4) TRANSFER TO VOLUNTARY STATUS.—An involuntary patient
160 who is 18 years of age or older and who applies to be
161 transferred to voluntary status, or an involuntary patient who
162 is age 17 or under and whose parent or legal guardian has made
163 application on his or her behalf to transfer to voluntary
164 status, shall be transferred to voluntary status immediately,
165 unless the patient has been charged with a crime, or has been
166 involuntarily placed for treatment by a court pursuant to s.
167 394.467 and continues to meet the criteria for involuntary
168 placement. Within 24 hours after transfer to voluntary status of
169 a person age 17 or under, the administrator of the facility
170 shall file a petition in accordance with subparagraph (1)(a)1. A
171 court shall hold a hearing within 5 court working days after
172 receiving a petition for voluntary placement for a patient age
173 17 or under to verify that the consent to remain in the facility
174 is voluntary. When transfer to voluntary status occurs, notice
175 shall be given as provided in s. 394.4599.

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176 Section 3. Paragraph (a) of subsection (2) of section
177 394.499, Florida Statutes, is amended to read:

178 394.499 Integrated children's crisis stabilization
179 unit/juvenile addictions receiving facility services.—

180 (2) Children eligible to receive integrated children's
181 crisis stabilization unit/juvenile addictions receiving facility
182 services include:

183 (a) A person under 18 years of age for whom voluntary
184 application is made by his or her parent or legal guardian, if
185 such person is found to show evidence of mental illness and to
186 be suitable for treatment pursuant to s. 394.4625. The
187 administrator of the facility shall file a petition for
188 voluntary placement, pursuant to s. 394.4625, within 24 hours
189 after a person under 18 years of age is admitted for integrated
190 facility services. Unless a continuance is granted, a court
191 shall hold a hearing within 5 court working days after a person
192 under 18 years of age is ~~may be~~ admitted ~~for integrated facility~~
193 ~~services only after a hearing~~ to verify that the consent to
194 admission is voluntary.

195 Section 4. This act shall take effect upon becoming a law.