

By Senator Torres

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1 A bill to be entitled
2 An act relating to mental health and substance abuse
3 services for veterans; amending ss. 394.463 and
4 397.6758, F.S.; requiring a veteran who is
5 involuntarily examined under the Baker Act or
6 involuntarily assessed under the Hal S. Marchman
7 Alcohol and Other Drug Services Act to be released to
8 a United States Department of Veterans Affairs
9 hospital to ensure coordination of treatment;
10 providing an effective date.

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

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14 Section 1. Paragraph (g) of subsection (2) of section
15 394.463, Florida Statutes, is amended to read:

16 394.463 Involuntary examination.—

17 (2) INVOLUNTARY EXAMINATION.—

18 (g) The examination period must be for up to 72 hours. For
19 a minor, the examination shall be initiated within 12 hours
20 after the patient's arrival at the facility. Within the
21 examination period or, if the examination period ends on a
22 weekend or holiday, no later than the next working day
23 thereafter, one of the following actions must be taken, based on
24 the individual needs of the patient:

25 1. The patient shall be released, unless he or she is
26 charged with a crime, in which case the patient shall be
27 returned to the custody of a law enforcement officer;

28 2. The patient shall be released, subject to subparagraph
29 1., for voluntary outpatient treatment;

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30 3. The patient, unless he or she is charged with a crime,
31 shall be asked to give express and informed consent to placement
32 as a voluntary patient and, if such consent is given, the
33 patient shall be admitted as a voluntary patient; ~~or~~

34 4. A petition for involuntary services shall be filed in
35 the circuit court if inpatient treatment is deemed necessary or
36 with the criminal county court, as defined in s. 394.4655(1), as
37 applicable. When inpatient treatment is deemed necessary, the
38 least restrictive treatment consistent with the optimum
39 improvement of the patient's condition shall be made available.
40 When a petition is to be filed for involuntary outpatient
41 placement, it shall be filed by one of the petitioners specified
42 in s. 394.4655(4) (a). A petition for involuntary inpatient
43 placement shall be filed by the facility administrator; or-

44 5. Notwithstanding s. 394.4672, a patient who is a veteran
45 as defined in s. 1.01, must be released to a United States
46 Department of Veterans Affairs hospital to ensure coordination
47 of treatment.

48 Section 2. Section 397.6758, Florida Statutes, is amended
49 to read:

50 397.6758 Release of individual from protective custody,
51 emergency admission, involuntary assessment, involuntary
52 treatment, and alternative involuntary assessment of a minor.—An
53 individual involuntarily admitted to a licensed service provider
54 may be released without further order of the court only by a
55 qualified professional in a hospital, a detoxification facility,
56 an addictions receiving facility, or any less restrictive
57 treatment component. Notice of the release must be provided to
58 the applicant in the case of an emergency admission or an

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59 alternative involuntary assessment for a minor, or to the
60 petitioner and the court if the involuntary assessment or
61 treatment was court ordered.

62 (1) In the case of a minor, the release must be:

63 (a)~~(1)~~ To the individual's parent, legal guardian, or legal
64 custodian or the authorized designee thereof;

65 (b)~~(2)~~ To the Department of Children and Families pursuant
66 to s. 39.401; or

67 (c)~~(3)~~ To the Department of Juvenile Justice pursuant to s.
68 984.13.

69 (2) In the case of a veteran as defined in s. 1.01, the
70 release must be to a United States Department of Veterans
71 Affairs hospital to ensure coordination of treatment.

72 Section 3. This act shall take effect July 1, 2018.