

By the Committee on Children, Families, and Elder Affairs; and
Senator Powell

586-02598-18

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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; providing an effective date.

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

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17 Section 1. Workgroup to improve operational effectiveness
18 of the Baker Act.—The Department of Children and Families shall
19 create a workgroup to evaluate methods to improve the
20 operational effectiveness of the Baker Act and recommend changes
21 to existing laws, rules, and agency policies needed to implement
22 the workgroup's recommendations.

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

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

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

29 (c) The use of telemedicine for patient evaluation, case

586-02598-18

20181790c1

30 management, and ongoing care, including recommendations by the
31 courts on the use of telemedicine to improve management of
32 patient care and to reduce costs of transportation and public
33 safety.

34 (d) The 7-day requirement for followup care and its
35 applicability to outpatient providers.

36 (e) Other areas deemed by the workgroup where changes would
37 improve the operational effectiveness of the Baker Act.

38 (2) The workgroup shall consist of the following
39 stakeholders:

40 (a) A representative of the Department of Children and
41 Families, who shall serve as chair, appointed by the Secretary
42 of Children and Families.

43 (b) Two representatives of public Baker Act receiving
44 facilities and two representatives of specialty hospitals,
45 appointed by the Florida Hospital Association.

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

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

50 (e) A member of the judiciary who regularly evaluates Baker
51 Act cases, appointed by the Chief Justice of the Supreme Court.

52 (f) A public defender, appointed by the Florida Public
53 Defender Association.

54 (g) A state attorney, appointed by the Florida Prosecuting
55 Attorneys Association.

56 (h) A physician who provides care within a Baker Act
57 receiving facility, appointed by the Florida Medical
58 Association.

586-02598-18

20181790c1

59 (i) A physician who regularly screens patients who meet
60 Baker Act criteria, appointed by the Florida College of
61 Emergency Physicians.

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

64 (k) A representative of the Agency for Health Care
65 Administration, appointed by the Secretary of Health Care
66 Administration.

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

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

72 (n) Two advanced registered nurse practitioners who are
73 nationally certified in mental health, one appointed by the
74 Florida Association of Nurse Practitioners, and one appointed by
75 the Florida Nurse Practitioner Network.

76 (o) A psychologist licensed under chapter 490, Florida
77 Statutes, appointed by the Florida Psychological Association.

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

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

83 (4) Members of the workgroup shall be appointed by June 1,
84 2018, and the first meeting of the workgroup must take place
85 before July 1, 2018. The workgroup shall review a draft of its
86 recommendations before September 1, 2018. By November 1, 2018,
87 the workgroup shall provide a final report to the Secretary of

586-02598-18

20181790c1

88 Children and Families, the Secretary of Health Care
89 Administration, the President of the Senate, and the Speaker of
90 the House of Representatives. The report must include the
91 workgroup's findings and recommended statutory and
92 administrative rule changes.

93 Section 2. This act shall take effect upon becoming a law.