

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WITHDRAWN	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 Gottlieb offered the following:

4

5 **Amendment**

6 Remove everything after the enacting clause and insert:

7 Section 1. This act may be cited as the "Substance Abuse
8 Services Modernization Act of 2019."

9 Section 2. Subsections (19) and (41) of section 397.311,
10 Florida Statutes, are amended to read:

11 397.311 Definitions.—As used in this chapter, except part
12 VIII, the term:

13 (19) "Impaired" or "substance abuse impaired" means a
14 condition involving the use, at any level of frequency, of
15 alcoholic beverages or any psychoactive or mood-altering
16 substance in such a manner as to induce mental, emotional, or

Amendment No.

17 physical problems and cause socially dysfunctional behavior. For
18 purposes of this chapter, a person does not need to be under the
19 influence of any substance to be substance abuse impaired.

20 (41) "Secure facility," except where the context indicates
21 a correctional system facility, means a licensed provider that
22 has the authority pursuant to this chapter to deter the
23 premature departure of involuntary individuals whose leaving
24 constitutes a violation of a court order or community-based
25 supervision as provided by law. The term "~~secure facility~~"
26 includes addictions receiving facilities and facilities
27 authorized by local ordinance for the treatment of habitual
28 abusers.

29 Section 3. Section 397.675, Florida Statutes, is amended
30 to read:

31 397.675 Criteria for involuntary admissions, including
32 protective custody, emergency admission, and other involuntary
33 assessment, involuntary services treatment, and alternative
34 involuntary assessment for minors, for purposes of assessment
35 and stabilization, and for involuntary services treatment.—A
36 person meets the criteria for involuntary admission if there is
37 a good faith reason to believe that the person is substance
38 abuse impaired or has a co-occurring mental health disorder and,
39 because of such impairment or disorder:

40 (1) Has lost the power of self-control with respect to
41 substance abuse; and

099373 - h0313-strike.docx

Published On: 3/5/2019 6:11:22 PM

Amendment No.

42 (2) (a) Is in need of substance abuse services and, by
43 reason of substance abuse impairment, his or her judgment has
44 been so impaired that he or she is incapable of appreciating his
45 or her need for such services and of making a rational decision
46 in that regard, although mere refusal to receive such services
47 does not constitute evidence of lack of judgment with respect to
48 his or her need for such services; or

49 (b) Without care or services ~~treatment~~, is likely to
50 suffer from neglect or refuse to care for himself or herself;
51 that such neglect or refusal poses a real and present threat of
52 substantial harm to his or her well-being; and that it is not
53 apparent that such harm may be avoided through the help of
54 willing family members or friends or the provision of other
55 services, or there is substantial likelihood that the person has
56 inflicted, or threatened to or attempted to inflict, or, unless
57 admitted, is likely to inflict, physical harm on himself,
58 herself, or another.

59 Section 4. Section 397.6758, Florida Statutes, is amended
60 to read:

61 397.6758 Release of individual from protective custody,
62 emergency admission, involuntary assessment, involuntary
63 services ~~treatment~~, and alternative involuntary assessment of a
64 minor.—An individual involuntarily admitted to a licensed
65 service provider may be released without further order of the
66 court only by a qualified professional in a hospital, a

099373 - h0313-strike.docx

Published On: 3/5/2019 6:11:22 PM

Amendment No.

67 detoxification facility, an addictions receiving facility, or
68 any less restrictive services ~~treatment~~ component. Notice of the
69 release must be provided to the applicant in the case of an
70 emergency admission or an alternative involuntary assessment for
71 a minor, or to the petitioner and the court if the involuntary
72 assessment or services ~~treatment~~ was court ordered. In the case
73 of a minor, the release must be:

74 (1) To the individual's parent, legal guardian, or legal
75 custodian or the authorized designee thereof;

76 (2) To the Department of Children and Families pursuant to
77 s. 39.401; or

78 (3) To the Department of Juvenile Justice pursuant to s.
79 984.13.

80 Section 5. Subsection (1) of section 397.6760, Florida
81 Statutes, are amended to read:

82 397.6760 Court records; confidentiality.-

83 (1) All petitions for involuntary assessment and
84 stabilization, court orders, and related records that are filed
85 with or by a court under this part are confidential and exempt
86 from s. 119.071(1) and s. 24(a), Art. I of the State
87 Constitution. Pleadings and other documents made confidential
88 and exempt by this section shall ~~may~~ be disclosed by the clerk
89 of the court, upon request, to any of the following:

90 (a) The petitioner.

91 (b) The petitioner's attorney.

099373 - h0313-strike.docx

Published On: 3/5/2019 6:11:22 PM

Amendment No.

92 (c) The respondent.

93 (d) The respondent's attorney.

94 (e) The respondent's guardian or guardian advocate, if
95 applicable.

96 (f) In the case of a minor respondent, the respondent's
97 parent, guardian, legal custodian, or guardian advocate.

98 (g) The respondent's treating health care practitioner.

99 (h) The respondent's health care surrogate or proxy.

100 (i) The Department of Children and Families, without
101 charge.

102 (j) The Department of Corrections, without charge, if the
103 respondent is committed or is to be returned to the custody of
104 the Department of Corrections from the Department of Children
105 and Families.

106 (k) A person or entity authorized to view records upon a
107 court order for good cause. In determining if there is good
108 cause for the disclosure of records, the court must weigh the
109 person or entity's need for the information against potential
110 harm to the respondent from the disclosure.

111 Section 6. Subsection (1) of section 397.6772, Florida
112 Statutes, are amended to read:

113 397.6772 Protective custody without consent.—

114 (1) If a person in circumstances which justify protective
115 custody as described in s. 397.677 fails or refuses to consent
116 to assistance and a law enforcement officer has determined that

099373 - h0313-strike.docx

Published On: 3/5/2019 6:11:22 PM

Amendment No.

117 a hospital or a licensed detoxification or addictions receiving
118 facility is the most appropriate place for the person, the
119 officer may, after giving due consideration to the expressed
120 wishes of the person, ÷

121 ~~(a)~~ take the person to a hospital or to a licensed
122 detoxification or addictions receiving facility against the
123 person's will but without using unreasonable force. The officer
124 shall use the standard form developed by the department pursuant
125 to s. 397.321 to execute a written report detailing the
126 circumstances under which the person was taken into custody. The
127 written report shall be included in the patient's clinical
128 record; ~~or~~

129 ~~(b) In the case of an adult, detain the person for his or~~
130 ~~her own protection in any municipal or county jail or other~~
131 ~~appropriate detention facility.~~

132
133 ~~Such detention is not to be considered an arrest for any~~
134 ~~purpose, and no entry or other record may be made to indicate~~
135 ~~that the person has been detained or charged with any crime. The~~
136 ~~officer in charge of the detention facility must notify the~~
137 ~~nearest appropriate licensed service provider within the first 8~~
138 ~~hours after detention that the person has been detained. It is~~
139 ~~the duty of the detention facility to arrange, as necessary, for~~
140 ~~transportation of the person to an appropriate licensed service~~
141 ~~provider with an available bed. Persons taken into protective~~

099373 - h0313-strike.docx

Published On: 3/5/2019 6:11:22 PM

Amendment No.

142 ~~custody must be assessed by the attending physician within the~~
143 ~~72-hour period and without unnecessary delay, to determine the~~
144 ~~need for further services.~~

145 Section 7. Section 397.6799, Florida Statutes, is amended
146 to read:

147 397.6799 Disposition of minor upon completion of
148 alternative involuntary assessment.—A minor who has been
149 assessed pursuant to s. 397.6798 must, within the time
150 specified, be released or referred for further voluntary or
151 involuntary services ~~treatment~~, whichever is most appropriate to
152 the needs of the minor.

153 Section 8. Section 397.681, Florida Statutes, is amended
154 to read:

155 397.681 Involuntary petitions; general provisions; court
156 jurisdiction and right to counsel.—

157 (1) JURISDICTION.—The courts have jurisdiction of
158 involuntary assessment and stabilization petitions and
159 involuntary services ~~treatment~~ petitions for substance abuse
160 impaired persons. Petitions for involuntary assessment and
161 stabilization and petitions for involuntary services may be
162 plead concurrently, and such petitions shall ~~must~~ be filed with
163 the clerk of the court in the county where the person is
164 located. ~~The clerk of the court may not charge~~ A fee may not be
165 charged for the filing of a petition pursuant to ~~under~~ this
166 section. The chief judge may appoint a general or special

099373 - h0313-strike.docx

Published On: 3/5/2019 6:11:22 PM

Amendment No.

167 magistrate to preside over all or part of the proceedings. The
168 alleged impaired person is named as the respondent. Any
169 violation of a court order by a named respondent is subject to
170 the contempt powers of the court.

171 (2) RIGHT TO COUNSEL.—A respondent has the right to
172 counsel at every stage of a proceeding relating to a petition
173 for his or her involuntary assessment and stabilization and a
174 petition for his or her involuntary services ~~treatment~~ for
175 substance abuse impairment. A respondent who desires counsel and
176 is unable to afford private counsel has the right to court-
177 appointed counsel and to the benefits of s. 57.081. If the court
178 believes that the respondent needs the assistance of counsel,
179 the court shall appoint such counsel for the respondent without
180 regard to the respondent's wishes. If the respondent is a minor
181 not otherwise represented in the proceeding, the court shall
182 immediately appoint a guardian ad litem to act on the minor's
183 behalf.

184 (3) CONFLICT OF INTEREST.— A licensed service provider may
185 not initiate any proceedings under this chapter unless the
186 licensed service provider files a joint petition with an
187 independent petitioner who has no financial interest in the
188 licensed service provider or unless the individual has no family
189 or friends available or able to file a petition.

190 Section 9. Section 397.6811, Florida Statutes, is amended
191 to read:

099373 - h0313-strike.docx

Published On: 3/5/2019 6:11:22 PM

Amendment No.

192 397.6811 Involuntary assessment and stabilization.—A
193 person determined by the court to appear to meet the criteria
194 for involuntary admission under s. 397.675 may be admitted ~~for a~~
195 ~~period of 5 days~~ to and held at a hospital or ~~to~~ a licensed
196 detoxification facility or addictions receiving facility for a
197 period of 5 days or more pursuant to s. 397.6822(3) for
198 involuntary assessment and stabilization or to a less
199 restrictive component of a licensed service provider for
200 assessment only upon entry of a court order or upon receipt by
201 the licensed service provider of a petition. Involuntary
202 assessment and stabilization may be initiated by the submission
203 of a petition to the court.

204 (1) If the person upon whose behalf the petition is being
205 filed is an adult, a petition for involuntary assessment and
206 stabilization may be filed by the respondent's spouse or legal
207 guardian, any relative, a private practitioner, the director of
208 a licensed service provider or the director's designee, or an
209 adult who has ~~direct~~ personal knowledge of the respondent's
210 substance abuse impairment.

211 (2) If the person upon whose behalf the petition is being
212 filed is a minor, a petition for involuntary assessment and
213 stabilization may be filed by a parent, legal guardian, legal
214 custodian, or licensed service provider.

215 Section 10. Section 397.6814, Florida Statutes, is amended
216 to read:

099373 - h0313-strike.docx

Published On: 3/5/2019 6:11:22 PM

Amendment No.

217 397.6814 Involuntary assessment and stabilization;
218 contents of petition.—A petition for involuntary assessment and
219 stabilization must contain the name of the respondent, the
220 current location of the respondent in the county where the
221 petition has been filed, the name of the petitioner ~~applicant~~ or
222 ~~petitioners~~ ~~applicants~~, the relationship between the respondent
223 and the petitioner ~~applicant~~, and the name of the respondent's
224 attorney, if known, and must state any request for a designation
225 of a prearranged service provider for involuntary assessment and
226 stabilization and sworn facts to support the need for
227 involuntary assessment and stabilization, including facts to
228 support that the respondent meets the criteria in s. 397.675.÷

229 ~~(1) The reason for the petitioner's belief that the~~
230 ~~respondent is substance abuse impaired;~~

231 ~~(2) The reason for the petitioner's belief that because of~~
232 ~~such impairment the respondent has lost the power of self-~~
233 ~~control with respect to substance abuse; and~~

234 ~~(3) (a) The reason the petitioner believes that the~~
235 ~~respondent has inflicted or is likely to inflict physical harm~~
236 ~~on himself or herself or others unless admitted; or~~

237 ~~(b) The reason the petitioner believes that the~~
238 ~~respondent's refusal to voluntarily receive care is based on~~
239 ~~judgment so impaired by reason of substance abuse that the~~
240 ~~respondent is incapable of appreciating his or her need for care~~
241 ~~and of making a rational decision regarding that need for care.~~

099373 - h0313-strike.docx

Published On: 3/5/2019 6:11:22 PM

Amendment No.

242 ~~If the respondent has refused to submit to an assessment, such~~
243 ~~refusal must be alleged in the petition.~~

244

245 ~~A fee may not be charged for the filing of a petition pursuant~~
246 ~~to this section.~~

247 Section 11. Section 397.6815, Florida Statutes, is amended
248 to read:

249 397.6815 Involuntary assessment and stabilization;
250 procedure.—

251 (1) Upon receipt and filing of the petition for the
252 involuntary assessment and stabilization of a substance abuse
253 impaired person by the clerk of the court, the court shall
254 review the petition and ascertain whether the respondent is
255 represented by an attorney, and if not, whether, on the basis of
256 the petition, an attorney should be appointed,⁺ and shall
257 either:

258 (a)~~(1)~~ Provide a copy of the petition and notice of
259 hearing to the respondent; the respondent's parent, guardian, or
260 legal custodian, in the case of a minor; the respondent's
261 attorney, if known; the petitioner; the respondent's spouse or
262 guardian, if applicable; and such other persons as the court may
263 direct, and have such petition and notice personally delivered
264 to the respondent if he or she is a minor. The court shall also
265 issue a summons to the person whose admission is sought and
266 conduct a hearing within 10 calendar days. The petitioner,

099373 - h0313-strike.docx

Published On: 3/5/2019 6:11:22 PM

Amendment No.

267 individually or through counsel, may serve the respondent with
268 notice of the petition, summons, and court dates by private
269 process; or

270 (b)-(2) Without the appointment of an attorney and, relying
271 solely on the contents of the petition, enter an ex parte order
272 authorizing the involuntary assessment and stabilization of the
273 respondent. The court shall schedule a hearing to be held on any
274 petition for involuntary services filed concurrently with the
275 involuntary assessment and stabilization petition within 10
276 calendar days after the execution of the ex parte order. The
277 court shall:

278 1. Issue a writ of bodily attachment and may order a law
279 enforcement agency officer or other designated agent of the
280 court to take the respondent into custody and deliver him or her
281 to the nearest appropriate licensed service provider or a
282 licensed service provider designated and ordered by the court;

283 2. Order that if the writ is executed in another county,
284 the respondent shall be taken to the nearest receiving facility
285 within such county; and

286 3. Order the licensed service provider to provide the
287 court an assessment with recommendations indicating any need for
288 services within 48 hours after completion of the assessment.

289 (2) The clerk of the court shall provide the writ of
290 bodily attachment, order, petition, and notice of any scheduled
291 court dates to a local law enforcement agency. The writ of

099373 - h0313-strike.docx

Published On: 3/5/2019 6:11:22 PM

Amendment No.

292 bodily attachment, order, petition, and notice of any scheduled
293 court dates shall be served upon the respondent by the law
294 enforcement agency executing the ex parte order at the time such
295 respondent is taken into custody. Such order shall be in full
296 force and effect for at least 30 calendar days after the date of
297 its execution. If a scheduled hearing to be held on a petition
298 for services, which was filed concurrently pursuant to this
299 section, will not occur due to the respondent not being taken
300 into custody and delivered pursuant to the ex parte order, the
301 court shall amend its order and reschedule the hearing to occur
302 within 10 calendar days after the previously scheduled hearing
303 date. The clerk of the court shall provide the amended ex parte
304 order to the law enforcement agency designated by the court.

305 Section 12. Section 397.6818, Florida Statutes, is amended
306 to read:

307 397.6818 Court determination.—At the hearing initiated in
308 accordance with s. 397.6815(1) ~~s. 397.6811(1)~~, the court shall
309 hear all relevant testimony. The respondent must be present
310 unless the court has reason to believe that his or her presence
311 is likely to be injurious to him or her, in which event the
312 court shall appoint a guardian advocate to represent the
313 respondent. The respondent has the right to examination ~~by a~~
314 ~~court-appointed qualified professional~~. After hearing all the
315 evidence, the court shall determine whether there is a

Amendment No.

316 reasonable basis to believe the respondent meets the involuntary
317 admission criteria of s. 397.675.

318 (1) Based on its determination, the court shall either
319 dismiss the petition or immediately enter an order authorizing
320 the involuntary assessment and stabilization of the respondent;
321 or, if in the course of the hearing the court has reason to
322 believe that the respondent, due to mental illness other than or
323 in addition to substance abuse impairment, is likely to injure
324 himself or herself or another if allowed to remain at liberty,
325 the court may initiate involuntary proceedings under the
326 provisions of part I of chapter 394.

327 (2) If the court enters an order authorizing involuntary
328 assessment and stabilization, the order shall include the
329 court's findings with respect to the availability and
330 appropriateness of the least restrictive alternatives and the
331 need for the appointment of an attorney to represent the
332 respondent, and must ~~may~~ designate the specific licensed service
333 provider to perform the involuntary assessment and stabilization
334 of the respondent. The respondent may choose the licensed
335 service provider to deliver the involuntary assessment when
336 ~~where~~ possible and appropriate. For any records that can only be
337 disclosed pursuant to s. 397.501(7), the court shall make its
338 findings on the disclosure of such records within 7 calendar
339 days after the entry of its order authorizing involuntary
340 assessment and stabilization.

099373 - h0313-strike.docx

Published On: 3/5/2019 6:11:22 PM

Amendment No.

341 (3) Within 10 calendar days after the entry of its order
342 authorizing involuntary assessment and stabilization, the court
343 shall schedule a hearing to be held on a petition for
344 involuntary services to determine if any further proceedings,
345 including an order for such services, are warranted.

346 (4) If the court finds it necessary, it may order any law
347 enforcement agency or the sheriff to take the respondent into
348 custody and deliver him or her to the licensed service provider
349 specified in the court order or, if none is specified, to the
350 nearest appropriate licensed service provider for involuntary
351 assessment.

352 ~~(4) The order is valid only for the period specified in~~
353 ~~the order or, if a period is not specified, for 7 days after the~~
354 ~~order is signed.~~

355 Section 13. Subsection (3) of section 397.6822, Florida
356 Statutes, is amended to read:

357 397.6822 Disposition of individual after involuntary
358 assessment.—Based upon the involuntary assessment, ~~a qualified~~
359 ~~professional of the~~ in a hospital, a detoxification facility, ~~or~~
360 an addictions receiving facility, or ~~a qualified professional~~
361 ~~when a less restrictive component has been used,~~ the qualified
362 professional must:

363 (3) Retain the individual when a petition for involuntary
364 services ~~treatment~~ has been initiated, the timely filing of

Amendment No.

365 | which authorizes the service provider to retain physical custody
366 | of the individual pending further order of the court.

367 |

368 | Adhering to federal confidentiality regulations, notice of
369 | disposition must be provided to the petitioner and to the court.

370 | Section 14. Section 397.693, Florida Statutes, is amended
371 | to read:

372 | 397.693 Involuntary services ~~treatment~~.—A person may be
373 | the subject of a petition for court-ordered involuntary services
374 | ~~treatment~~ pursuant to this part, if that person meets the
375 | criteria for involuntary admission provided in s. 397.675 and:

376 | (1) Has been placed under protective custody pursuant to
377 | s. 397.677 within the previous 10 calendar days;

378 | (2) Has been subject to an emergency admission pursuant to
379 | s. 397.679 within the previous 10 calendar days;

380 | (3) Has been assessed by a qualified professional within
381 | 10 calendar ~~5~~ days;

382 | (4) Has been subject to involuntary assessment and
383 | stabilization pursuant to s. 397.6818 within the previous 12
384 | calendar days; or

385 | (5) Has been subject to alternative involuntary admission
386 | pursuant to s. 397.6822 within the previous 12 calendar days.

387 | Section 15. Section 397.695, Florida Statutes, is amended
388 | to read:

389 | 397.695 Involuntary services; persons who may petition.—

099373 - h0313-strike.docx

Published On: 3/5/2019 6:11:22 PM

Amendment No.

390 (1) If the respondent is an adult, a petition for
391 involuntary services may be filed by the respondent's spouse or
392 legal guardian, any relative, a licensed service provider, or an
393 adult who has ~~direct~~ personal knowledge of the respondent's
394 substance abuse impairment and his or her prior course of
395 assessment and services ~~treatment~~.

396 (2) If the respondent is a minor, a petition for
397 involuntary services ~~treatment~~ may be filed by a parent, legal
398 guardian, or licensed service provider.

399 Section 16. Section 397.6951, Florida Statutes, is amended
400 to read:

401 397.6951 Contents of petition for involuntary services.—A
402 petition for involuntary services must contain the name of the
403 respondent; the name of the petitioner or petitioners; the
404 relationship between the respondent and the petitioner; the name
405 of the respondent's attorney, if known; the findings and
406 recommendations of the assessment performed by the qualified
407 professional, if known; and the factual allegations presented by
408 the petitioner establishing the need for involuntary ~~outpatient~~
409 services. The factual allegations must demonstrate that the
410 respondent meets the criteria in s. 397.675.÷

411 ~~(1) The reason for the petitioner's belief that the~~
412 ~~respondent is substance abuse impaired;~~

Amendment No.

413 ~~(2) The reason for the petitioner's belief that because of~~
414 ~~such impairment the respondent has lost the power of self-~~
415 ~~control with respect to substance abuse; and~~

416 ~~(3)(a) The reason the petitioner believes that the~~
417 ~~respondent has inflicted or is likely to inflict physical harm~~
418 ~~on himself or herself or others unless the court orders the~~
419 ~~involuntary services; or~~

420 ~~(b) The reason the petitioner believes that the~~
421 ~~respondent's refusal to voluntarily receive care is based on~~
422 ~~judgment so impaired by reason of substance abuse that the~~
423 ~~respondent is incapable of appreciating his or her need for care~~
424 ~~and of making a rational decision regarding that need for care.~~

425 Section 17. Section 397.6955, Florida Statutes, is amended
426 to read:

427 397.6955 Duties of court upon filing of petition for
428 involuntary services.-

429 ~~(1)~~ Upon the filing of a petition for involuntary services
430 which is not included as part of an initial assessment and
431 stabilization petition for a substance abuse impaired person
432 with the clerk of the court:

433 (1) the court shall immediately determine whether the
434 respondent is represented by an attorney or whether the
435 appointment of counsel for the respondent is appropriate. If the
436 court appoints counsel for the person, the clerk of the court
437 shall immediately notify the office of criminal conflict and

Amendment No.

438 civil regional counsel, created pursuant to s. 27.511, of the
439 appointment. The office of criminal conflict and civil regional
440 counsel shall represent the person until the petition is
441 dismissed, the court order expires, or the person is discharged
442 from involuntary services. An attorney that represents the
443 person named in the petition shall have access to the person,
444 witnesses, and records relevant to the presentation of the
445 person's case and shall represent the interests of the person,
446 regardless of the source of payment to the attorney.

447 (2) The court shall schedule a hearing to be held on the
448 petition within 5 calendar days unless a continuance is granted.
449 The court may appoint a magistrate to preside at the hearing.

450 (3) A copy of the petition and notice of the hearing must
451 be provided to the respondent; the respondent's parent,
452 guardian, or legal custodian, in the case of a minor; the
453 respondent's attorney, if known; the petitioner; the
454 respondent's spouse or guardian, if applicable; and such other
455 persons as the court may direct. If the respondent is a minor, a
456 copy of the petition and notice of the hearing must be
457 personally delivered to the respondent. The court shall also
458 issue a summons to the person whose admission is sought. The
459 petitioner, individually or through counsel, may serve the
460 respondent with notice of the petition, summons, and court dates
461 by private process.

Amendment No.

462 Section 18. Section 397.6957, Florida Statutes, is amended
463 to read:

464 397.6957 Hearing on petition for involuntary services.—

465 (1) At a hearing on a petition for involuntary services,
466 the court shall hear and review all relevant evidence, including
467 the review of results of the assessment completed by the
468 qualified professional in connection with the respondent's
469 protective custody, emergency admission, involuntary assessment,
470 or alternative involuntary admission. The respondent must be
471 present unless the court finds that his or her presence is
472 likely to be injurious to himself or herself or others, in which
473 event the court must appoint a guardian advocate to act in
474 behalf of the respondent throughout the proceedings. If the
475 respondent fails to appear for the hearing after proper notice,
476 or is unwilling to submit to the court-ordered services, the
477 court may proceed with the hearing and enter an order for
478 services.

479 (2) The petitioner has the burden of proving by clear and
480 convincing evidence that the respondent meets the criteria of s.
481 397.675.÷

482 ~~(a) The respondent is substance abuse impaired and has a~~
483 ~~history of lack of compliance with treatment for substance~~
484 ~~abuse; and~~

485 ~~(b) Because of such impairment the respondent is unlikely~~
486 ~~to voluntarily participate in the recommended services or is~~

099373 - h0313-strike.docx

Published On: 3/5/2019 6:11:22 PM

Amendment No.

487 ~~unable to determine for himself or herself whether services are~~
488 ~~necessary and:~~

489 ~~1. Without services, the respondent is likely to suffer~~
490 ~~from neglect or refuse to care for himself or herself; that such~~
491 ~~neglect or refusal poses a real and present threat of~~
492 ~~substantial harm to his or her well-being; and that there is a~~
493 ~~substantial likelihood that without services the respondent will~~
494 ~~cause serious bodily harm to himself, herself, or another in the~~
495 ~~near future, as evidenced by recent behavior; or~~

496 ~~2. The respondent's refusal to voluntarily receive care is~~
497 ~~based on judgment so impaired by reason of substance abuse that~~
498 ~~the respondent is incapable of appreciating his or her need for~~
499 ~~care and of making a rational decision regarding that need for~~
500 ~~care.~~

501 (3) ~~A~~ One of the qualified professional professionals who
502 executed an ~~the~~ involuntary services certificate pursuant to s.
503 397.679 must be a witness. The court shall allow testimony from
504 individuals, including family members, deemed by the court to be
505 relevant under state law, regarding the respondent's prior
506 history and how that prior history relates to the person's
507 current condition. The testimony in the hearing must be under
508 oath, and the proceedings must be recorded. The respondent
509 ~~patient~~ may refuse to testify at the hearing.

510 (4) At the conclusion of the hearing the court shall
511 dismiss the petition or order the respondent to receive

099373 - h0313-strike.docx

Published On: 3/5/2019 6:11:22 PM

Amendment No.

512 involuntary services from his or her chosen licensed service
513 provider if possible and appropriate or a licensed service
514 provider designated by the court. The court may, on its own
515 motion or on the motion of any party, schedule a status
516 conference for the purpose of monitoring the respondent's
517 continued compliance with the court's order for services. Based
518 upon its findings made after reviewing the records released
519 pursuant to s. 397.501(7), the court may order the designated
520 licensed service provider to provide the court and petitioner or
521 the petitioner's counsel with a status report of the
522 respondent's current treatment and compliance with the court
523 order.

524 Section 19. Subsection (1) of section 397.697, Florida
525 Statutes, is amended to read:

526 397.697 Court determination; effect of court order for
527 involuntary services.-

528 (1) When the court finds that the conditions for
529 involuntary services have been proved by clear and convincing
530 evidence, it may order the respondent to receive involuntary
531 services from a publicly funded licensed service provider for a
532 period not to exceed 90 days. The court may also order a
533 respondent to receive services ~~undergo treatment~~ through a
534 privately funded licensed service provider if the respondent has
535 the ability to pay for the services ~~treatment~~, or if any person
536 on the respondent's behalf voluntarily demonstrates a

099373 - h0313-strike.docx

Published On: 3/5/2019 6:11:22 PM

Amendment No.

537 willingness and an ability to pay for the services ~~treatment~~. If
538 the court finds it necessary, it may direct any law enforcement
539 agency or the sheriff to take the respondent into custody and
540 deliver him or her to the licensed service provider specified in
541 the court order, or to the nearest appropriate licensed service
542 provider, for involuntary services. When the conditions
543 justifying involuntary services no longer exist, the individual
544 must be released as provided in s. 397.6971. When the conditions
545 justifying involuntary services are expected to exist after 90
546 days of services, a renewal of the involuntary services order
547 may be requested pursuant to s. 397.6975 before the end of the
548 90-day period.

549 Section 20. Subsections (1) and (7) of section 397.6975,
550 Florida Statutes, are amended to read:

551 397.6975 Extension of involuntary services period.—

552 (1) Whenever any petitioner or a licensed service provider
553 believes that an individual who is nearing the scheduled date of
554 his or her release from involuntary services continues to meet
555 the criteria for involuntary services in s. 397.693, a petition
556 for renewal of the involuntary services order may be filed with
557 the court at least 10 days before the expiration of the court-
558 ordered services period. The court shall immediately schedule a
559 hearing to be held not more than 15 days after filing of the
560 petition. The court shall provide the copy of the petition for

Amendment No.

561 renewal and the notice of the hearing to all parties to the
562 proceeding. The hearing is conducted pursuant to s. 397.6957.

563 (7) If the respondent has previously been found
564 incompetent to consent to services ~~treatment~~, the court shall
565 consider testimony and evidence regarding the respondent's
566 competence.

567 Section 21. This act shall take effect July 1, 2019