

1 A bill to be entitled
2 An act relating to the Marchman Act; providing a short
3 title; amending s. 397.311, F.S.; revising
4 definitions; amending s. 397.6760, F.S.; requiring,
5 rather than authorizing, a clerk of the court to
6 disclose certain records; amending s. 397.6772, F.S.;
7 removing provisions authorizing a law enforcement
8 officer to detain a person in certain facilities under
9 certain circumstances; amending s. 397.681, F.S.;
10 authorizing certain petitions to be plead
11 concurrently; providing that a violation of a court
12 order is subject to certain powers; prohibiting a
13 licensed service provider from initiating proceedings
14 unless certain conditions are met; amending s.
15 397.6811, F.S.; authorizing certain persons to be held
16 at certain facilities for a specified timeframe;
17 amending s. 397.6814, F.S.; revising provisions
18 relating to the content of certain petitions; amending
19 s. 397.6815, F.S.; revising provisions relating to the
20 procedures for filing certain petitions; authorizing a
21 petitioner to serve a respondent by private process;
22 requiring a court to schedule a hearing on certain
23 petitions within a specified timeframe; providing
24 duties of the court and clerk of the court relating to
25 the issuance of a writ of bodily attachment; amending

26 s. 397.6818, F.S.; requiring, rather than authorizing,
 27 a court to designate a licensed service provider to
 28 perform an involuntary assessment and stabilization in
 29 a specified order; requiring the court to make its
 30 findings based on certain records within a specified
 31 timeframe; requiring the court to schedule a hearing
 32 on a certain petition within a specified timeframe;
 33 authorizing the court to order a law enforcement
 34 agency to take a respondent into custody for
 35 involuntary assessment by a licensed service provider;
 36 amending s. 397.6957, F.S.; revising provisions
 37 relating to the duties of a court upon the filing of
 38 certain petitions; amending ss. 397.675, 397.6758,
 39 397.6799, 397.6822, 397.693, 397.695, 397.6951,
 40 397.6955, 397.697, and 397.6975, F.S.; conforming
 41 provisions to changes made by the act; providing an
 42 effective date.

43
 44 Be It Enacted by the Legislature of the State of Florida:

45
 46 Section 1. This act may be cited as the "Substance Abuse
 47 Services Modernization Act of 2019."

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

50 397.311 Definitions.—As used in this chapter, except part
51 VIII, the term:

52 (19) "Impaired" or "substance abuse impaired" means a
53 condition involving the use, at any level of frequency, of
54 alcoholic beverages or any psychoactive or mood-altering
55 substance in such a manner as to induce mental, emotional, or
56 physical problems and cause socially dysfunctional behavior. For
57 purposes of this chapter, a person does not need to be under the
58 influence of any substance to be substance abuse impaired.

59 (41) "Secure facility," except where the context indicates
60 a correctional system facility, means a licensed provider that
61 has the authority pursuant to this chapter to deter the
62 premature departure of involuntary individuals whose leaving
63 constitutes a violation of a court order or community-based
64 supervision as provided by law. The term ~~"secure facility"~~
65 includes addictions receiving facilities and facilities
66 authorized by local ordinance for the treatment of habitual
67 abusers.

68 Section 3. Section 397.675, Florida Statutes, is amended
69 to read:

70 397.675 Criteria for involuntary admissions, including
71 protective custody, emergency admission, and other involuntary
72 assessment, involuntary services ~~treatment~~, and alternative
73 involuntary assessment for minors, for purposes of assessment
74 and stabilization, and for involuntary services ~~treatment~~.—A

75 | person meets the criteria for involuntary admission if there is
76 | a good faith reason to believe that the person is substance
77 | abuse impaired or has a co-occurring mental health disorder and,
78 | because of such impairment or disorder:

79 | (1) Has lost the power of self-control with respect to
80 | substance abuse; and

81 | (2) (a) Is in need of substance abuse services and, by
82 | reason of substance abuse impairment, his or her judgment has
83 | been so impaired that he or she is incapable of appreciating his
84 | or her need for such services and of making a rational decision
85 | in that regard, although mere refusal to receive such services
86 | does not constitute evidence of lack of judgment with respect to
87 | his or her need for such services; or

88 | (b) Without care or services ~~treatment~~, is likely to
89 | suffer from neglect or refuse to care for himself or herself;
90 | that such neglect or refusal poses a real and present threat of
91 | substantial harm to his or her well-being; and that it is not
92 | apparent that such harm may be avoided through the help of
93 | willing family members or friends or the provision of other
94 | services, or there is substantial likelihood that the person has
95 | inflicted, or threatened to or attempted to inflict, or, unless
96 | admitted, is likely to inflict, physical harm on himself,
97 | herself, or another.

98 | Section 4. Section 397.6758, Florida Statutes, is amended
99 | to read:

100 397.6758 Release of individual from protective custody,
 101 emergency admission, involuntary assessment, involuntary
 102 services treatment, and alternative involuntary assessment of a
 103 minor.—An individual involuntarily admitted to a licensed
 104 service provider may be released without further order of the
 105 court only by a qualified professional in a hospital, a
 106 detoxification facility, an addictions receiving facility, or
 107 any less restrictive services treatment component. Notice of the
 108 release must be provided to the applicant in the case of an
 109 emergency admission or an alternative involuntary assessment for
 110 a minor, or to the petitioner and the court if the involuntary
 111 assessment or services treatment was court ordered. In the case
 112 of a minor, the release must be:

- 113 (1) To the individual's parent, legal guardian, or legal
 114 custodian or the authorized designee thereof;
- 115 (2) To the Department of Children and Families pursuant to
 116 s. 39.401; or
- 117 (3) To the Department of Juvenile Justice pursuant to s.
 118 984.13.

119 Section 5. Subsection (1) of section 397.6760, Florida
 120 Statutes, is amended to read:

121 397.6760 Court records; confidentiality.—
 122 (1) All petitions for involuntary assessment and
 123 stabilization, court orders, and related records that are filed
 124 with or by a court under this part are confidential and exempt

125 from s. 119.071(1) and s. 24(a), Art. I of the State
126 Constitution. Pleadings and other documents made confidential
127 and exempt by this section shall ~~may~~ be disclosed by the clerk
128 of the court, upon request, to any of the following:

129 (a) The petitioner.

130 (b) The petitioner's attorney.

131 (c) The respondent.

132 (d) The respondent's attorney.

133 (e) The respondent's guardian or guardian advocate, if
134 applicable.

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

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

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

139 (i) The Department of Children and Families, without
140 charge.

141 (j) The Department of Corrections, without charge, if the
142 respondent is committed or is to be returned to the custody of
143 the Department of Corrections from the Department of Children
144 and Families.

145 (k) A person or entity authorized to view records upon a
146 court order for good cause. In determining if there is good
147 cause for the disclosure of records, the court must weigh the
148 person or entity's need for the information against potential
149 harm to the respondent from the disclosure.

150 Section 6. Subsection (1) of section 397.6772, Florida
 151 Statutes, is amended to read:

152 397.6772 Protective custody without consent.—

153 (1) If a person in circumstances which justify protective
 154 custody as described in s. 397.677 fails or refuses to consent
 155 to assistance and a law enforcement officer has determined that
 156 a hospital or a licensed detoxification or addictions receiving
 157 facility is the most appropriate place for the person, the
 158 officer may, after giving due consideration to the expressed
 159 wishes of the person, +

160 ~~(a)~~ take the person to a hospital or to a licensed
 161 detoxification or addictions receiving facility against the
 162 person's will but without using unreasonable force. The officer
 163 shall use the standard form developed by the department pursuant
 164 to s. 397.321 to execute a written report detailing the
 165 circumstances under which the person was taken into custody. The
 166 written report shall be included in the patient's clinical
 167 record; ~~or~~

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

171
 172 ~~Such detention is not to be considered an arrest for any~~
 173 ~~purpose, and no entry or other record may be made to indicate~~
 174 ~~that the person has been detained or charged with any crime. The~~

175 ~~officer in charge of the detention facility must notify the~~
 176 ~~nearest appropriate licensed service provider within the first 8~~
 177 ~~hours after detention that the person has been detained. It is~~
 178 ~~the duty of the detention facility to arrange, as necessary, for~~
 179 ~~transportation of the person to an appropriate licensed service~~
 180 ~~provider with an available bed. Persons taken into protective~~
 181 ~~custody must be assessed by the attending physician within the~~
 182 ~~72-hour period and without unnecessary delay, to determine the~~
 183 ~~need for further services.~~

184 Section 7. Section 397.6799, Florida Statutes, is amended
 185 to read:

186 397.6799 Disposition of minor upon completion of
 187 alternative involuntary assessment.—A minor who has been
 188 assessed pursuant to s. 397.6798 must, within the time
 189 specified, be released or referred for further voluntary or
 190 involuntary services ~~treatment~~, whichever is most appropriate to
 191 the needs of the minor.

192 Section 8. Section 397.681, Florida Statutes, is amended
 193 to read:

194 397.681 Involuntary petitions; general provisions; court
 195 jurisdiction and right to counsel.—

196 (1) JURISDICTION.—The courts have jurisdiction of
 197 involuntary assessment and stabilization petitions and
 198 involuntary services ~~treatment~~ petitions for substance abuse
 199 impaired persons. Petitions for involuntary assessment and

200 stabilization and petitions for involuntary services may be
201 plead concurrently, and such petitions shall ~~must~~ be filed with
202 the clerk of the court in the county where the person is
203 located. ~~The clerk of the court may not charge~~ A fee may not be
204 charged for the filing of a petition pursuant to ~~under~~ this
205 section. The chief judge may appoint a general or special
206 magistrate to preside over all or part of the proceedings. The
207 alleged impaired person is named as the respondent. Any
208 violation of a court order by a named respondent is subject to
209 the contempt powers of the court.

210 (2) RIGHT TO COUNSEL.—A respondent has the right to
211 counsel at every stage of a proceeding relating to a petition
212 for his or her involuntary assessment and stabilization and a
213 petition for his or her involuntary services ~~treatment~~ for
214 substance abuse impairment. A respondent who desires counsel and
215 is unable to afford private counsel has the right to court-
216 appointed counsel and to the benefits of s. 57.081. If the court
217 believes that the respondent needs the assistance of counsel,
218 the court shall appoint such counsel for the respondent without
219 regard to the respondent's wishes. If the respondent is a minor
220 not otherwise represented in the proceeding, the court shall
221 immediately appoint a guardian ad litem to act on the minor's
222 behalf.

223 (3) CONFLICT OF INTEREST.—A licensed service provider may
224 not initiate any proceedings under this chapter unless the

225 licensed service provider files a joint petition with an
 226 independent petitioner who has no financial interest in the
 227 licensed service provider or unless the respondent has no family
 228 or friends available or able to file a petition.

229 Section 9. Section 397.6811, Florida Statutes, is amended
 230 to read:

231 397.6811 Involuntary assessment and stabilization.—A
 232 person determined by the court to appear to meet the criteria
 233 for involuntary admission under s. 397.675 may be admitted ~~for a~~
 234 ~~period of 5 days~~ to and held at a hospital or ~~to~~ a licensed
 235 detoxification facility or addictions receiving facility for a
 236 period of 5 days or more pursuant to s. 397.6822(3),⁷ for
 237 involuntary assessment and stabilization or to a less
 238 restrictive component of a licensed service provider for
 239 assessment only upon entry of a court order or upon receipt by
 240 the licensed service provider of a petition. Involuntary
 241 assessment and stabilization may be initiated by the submission
 242 of a petition to the court.

243 (1) If the person upon whose behalf the petition is being
 244 filed is an adult, a petition for involuntary assessment and
 245 stabilization may be filed by the respondent's spouse or legal
 246 guardian, any relative, a private practitioner, the director of
 247 a licensed service provider or the director's designee, or an
 248 adult who has ~~direct~~ personal knowledge of the respondent's
 249 substance abuse impairment.

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

254 Section 10. Section 397.6814, Florida Statutes, is amended
 255 to read:

256 397.6814 Involuntary assessment and stabilization;
 257 contents of petition.—A petition for involuntary assessment and
 258 stabilization must contain the name of the respondent, the
 259 current location of the respondent in the county where the
 260 petition has been filed, the name of the petitioner applicant or
 261 petitioners applicants, the relationship between the respondent
 262 and the petitioner applicant, and the name of the respondent's
 263 attorney, if known, and must state any request for a designation
 264 of a prearranged service provider for involuntary assessment and
 265 stabilization and sworn facts to support the need for
 266 involuntary assessment and stabilization, including facts to
 267 support that the respondent meets the criteria in s. 397.675÷

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

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

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

276 ~~(b) The reason the petitioner believes that the~~
 277 ~~respondent's refusal to voluntarily receive care is based on~~
 278 ~~judgment so impaired by reason of substance abuse that the~~
 279 ~~respondent is incapable of appreciating his or her need for care~~
 280 ~~and of making a rational decision regarding that need for care.~~
 281 ~~If the respondent has refused to submit to an assessment, such~~
 282 ~~refusal must be alleged in the petition.~~

283
 284 ~~A fee may not be charged for the filing of a petition pursuant~~
 285 ~~to this section.~~

286 Section 11. Section 397.6815, Florida Statutes, is amended
 287 to read:

288 397.6815 Involuntary assessment and stabilization;
 289 procedure.—

290 (1) Upon receipt and filing of the petition for the
 291 involuntary assessment and stabilization of a substance abuse
 292 impaired person by the clerk of the court, the court shall
 293 review the petition and ascertain whether the respondent is
 294 represented by an attorney, and if not, whether, on the basis of
 295 the petition, an attorney should be appointed, † and shall
 296 either:

297 (a)-(1) Provide a copy of the petition and notice of
298 hearing to the respondent; the respondent's parent, guardian, or
299 legal custodian, in the case of a minor; the respondent's
300 attorney, if known; the petitioner; the respondent's spouse or
301 guardian, if applicable; and such other persons as the court may
302 direct, and have such petition and notice personally delivered
303 to the respondent if he or she is a minor. The court shall also
304 issue a summons to the person whose admission is sought and
305 conduct a hearing within 10 calendar days. The petitioner,
306 individually or through counsel, may serve the respondent with
307 notice of the petition, summons, and court dates by private
308 process; or

309 (b)-(2) Without the appointment of an attorney and, relying
310 solely on the contents of the petition, enter an ex parte order
311 authorizing the involuntary assessment and stabilization of the
312 respondent. The court shall schedule a hearing to be held on any
313 petition for involuntary services filed concurrently with the
314 involuntary assessment and stabilization petition within 10
315 calendar days after the execution of the ex parte order. The
316 court shall:

317 1. Issue a writ of bodily attachment and ~~may~~ order a law
318 enforcement agency officer or other designated agent of the
319 court to take the respondent into custody and deliver him or her
320 to the nearest appropriate licensed service provider or a
321 licensed service provider designated and ordered by the court;

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

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

328 (2) The clerk of the court shall provide the writ of
 329 bodily attachment, order, petition, and notice of any scheduled
 330 court dates to a local law enforcement agency. The writ of
 331 bodily attachment, order, petition, and notice of any scheduled
 332 court dates shall be served upon the respondent by the law
 333 enforcement agency executing the ex parte order at the time such
 334 respondent is taken into custody. Such order shall be in full
 335 force and effect for at least 30 calendar days after the date of
 336 its execution. If a scheduled hearing to be held on a petition
 337 for services, which was filed concurrently pursuant to this
 338 section, will not occur due to the respondent not being taken
 339 into custody and delivered pursuant to the ex parte order, the
 340 court shall amend its order and reschedule the hearing to occur
 341 within 10 calendar days after the previously scheduled hearing
 342 date. The clerk of the court shall provide the amended ex parte
 343 order to the law enforcement agency designated by the court.

344 Section 12. Section 397.6818, Florida Statutes, is amended
 345 to read:

346 397.6818 Court determination.—At the hearing initiated in
347 accordance with s. 397.6815(1) ~~s. 397.6811(1)~~, the court shall
348 hear all relevant testimony. The respondent must be present
349 unless the court has reason to believe that his or her presence
350 is likely to be injurious to him or her, in which event the
351 court shall appoint a guardian advocate to represent the
352 respondent. The respondent has the right to examination ~~by a~~
353 ~~court-appointed qualified professional~~. After hearing all the
354 evidence, the court shall determine whether there is a
355 reasonable basis to believe the respondent meets the involuntary
356 admission criteria in ~~of~~ s. 397.675.

357 (1) Based on its determination, the court shall either
358 dismiss the petition or immediately enter an order authorizing
359 the involuntary assessment and stabilization of the respondent;
360 or, if in the course of the hearing the court has reason to
361 believe that the respondent, due to mental illness other than or
362 in addition to substance abuse impairment, is likely to injure
363 himself or herself or another if allowed to remain at liberty,
364 the court may initiate involuntary proceedings under the
365 provisions of part I of chapter 394.

366 (2) If the court enters an order authorizing involuntary
367 assessment and stabilization, the order shall include the
368 court's findings with respect to the availability and
369 appropriateness of the least restrictive alternatives and the
370 need for the appointment of an attorney to represent the

371 respondent, and must ~~may~~ designate the specific licensed service
372 provider to perform the involuntary assessment and stabilization
373 of the respondent. The respondent may choose the licensed
374 service provider to deliver the involuntary assessment when
375 ~~where~~ possible and appropriate. For any records that may only be
376 disclosed pursuant to s. 397.501(7), the court shall make its
377 findings on the disclosure of such records within 7 calendar
378 days after the entry of its order authorizing involuntary
379 assessment and stabilization.

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

385 (4) If the court finds it necessary, it may order any law
386 enforcement agency or the sheriff to take the respondent into
387 custody and deliver him or her to the licensed service provider
388 specified in the court order or, if none is specified, to the
389 nearest appropriate licensed service provider for involuntary
390 assessment.

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

394 Section 13. Section 397.6822, Florida Statutes, is amended
395 to read:

396 397.6822 Disposition of individual after involuntary
397 assessment.—Based upon the involuntary assessment in, a
398 ~~qualified professional of the hospital, a~~ detoxification
399 facility, an ~~or~~ addictions receiving facility, or ~~a qualified~~
400 ~~professional when a less restrictive component has been used,~~
401 the qualified professional must:

402 (1) Release the individual and, where appropriate, refer
403 the individual to another treatment facility or service
404 provider, or to community services;

405 (2) Allow the individual, with consent, to remain
406 voluntarily at the licensed provider; or

407 (3) Retain the individual when a petition for involuntary
408 services treatment has been initiated, the timely filing of
409 which authorizes the service provider to retain physical custody
410 of the individual pending further order of the court.

411
412 Adhering to federal confidentiality regulations, notice of
413 disposition must be provided to the petitioner and to the court.

414 Section 14. Section 397.693, Florida Statutes, is amended
415 to read:

416 397.693 Involuntary services treatment.—A person may be
417 the subject of a petition for court-ordered involuntary services
418 ~~treatment~~ pursuant to this part, if that person meets the
419 criteria for involuntary admission provided in s. 397.675 and:

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

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

424 (3) Has been assessed by a qualified professional within
 425 10 calendar ~~5~~ days;

426 (4) Has been subject to involuntary assessment and
 427 stabilization pursuant to s. 397.6818 within the previous 12
 428 calendar days; or

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

431 Section 15. Section 397.695, Florida Statutes, is amended
 432 to read:

433 397.695 Involuntary services; persons who may petition.—

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

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

443 Section 16. Section 397.6951, Florida Statutes, is amended
 444 to read:

445 397.6951 Contents of petition for involuntary services.—A
446 petition for involuntary services must contain the name of the
447 respondent; the name of the petitioner or petitioners; the
448 relationship between the respondent and the petitioner; the name
449 of the respondent's attorney, if known; the findings and
450 recommendations of the assessment performed by the qualified
451 professional, if known; and the factual allegations presented by
452 the petitioner establishing the need for involuntary ~~outpatient~~
453 services. The factual allegations must demonstrate that the
454 respondent meets the criteria in s. 397.675÷

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

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

460 ~~(3) (a) The reason the petitioner believes that the~~
461 ~~respondent has inflicted or is likely to inflict physical harm~~
462 ~~on himself or herself or others unless the court orders the~~
463 ~~involuntary services; or~~

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

469 Section 17. Section 397.6955, Florida Statutes, is amended
470 to read:

471 397.6955 Duties of court upon filing of petition for
472 involuntary services.—

473 ~~(1)~~ Upon the filing of a petition for involuntary
474 services, which is not included as part of an initial assessment
475 and stabilization petition, for a substance abuse impaired
476 person with the clerk of the court: r

477 (1) The court shall immediately determine whether the
478 respondent is represented by an attorney or whether the
479 appointment of counsel for the respondent is appropriate. If the
480 court appoints counsel for the person, the clerk of the court
481 shall immediately notify the office of criminal conflict and
482 civil regional counsel, created pursuant to s. 27.511, of the
483 appointment. The office of criminal conflict and civil regional
484 counsel shall represent the person until the petition is
485 dismissed, the court order expires, or the person is discharged
486 from involuntary services. An attorney that represents the
487 person named in the petition shall have access to the person,
488 witnesses, and records relevant to the presentation of the
489 person's case and shall represent the interests of the person,
490 regardless of the source of payment to the attorney.

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

494 (3) A copy of the petition and notice of the hearing must
495 be provided to the respondent; the respondent's parent,
496 guardian, or legal custodian, in the case of a minor; the
497 respondent's attorney, if known; the petitioner; the
498 respondent's spouse or guardian, if applicable; and such other
499 persons as the court may direct. If the respondent is a minor, a
500 copy of the petition and notice of the hearing must be
501 personally delivered to the respondent. The court shall also
502 issue a summons to the person whose admission is sought. The
503 petitioner, individually or through counsel, may serve the
504 respondent with notice of the petition, summons, and court dates
505 by private process.

506 Section 18. Section 397.6957, Florida Statutes, is amended
507 to read:

508 397.6957 Hearing on petition for involuntary services.—

509 (1) At a hearing on a petition for involuntary services,
510 the court shall hear and review all relevant evidence, including
511 the review of results of the assessment completed by the
512 qualified professional in connection with the respondent's
513 protective custody, emergency admission, involuntary assessment,
514 or alternative involuntary admission. The respondent must be
515 present unless the court finds that his or her presence is
516 likely to be injurious to himself or herself or others, in which
517 event the court must appoint a guardian advocate to act in
518 behalf of the respondent throughout the proceedings. If the

519 respondent fails to appear for the hearing after proper notice,
520 or is unwilling to submit to the court-ordered services, the
521 court may proceed with the hearing and enter an order for
522 services.

523 (2) The petitioner has the burden of proving by clear and
524 convincing evidence that the respondent meets the criteria in s.
525 397.675;

526 ~~(a) The respondent is substance abuse impaired and has a~~
527 ~~history of lack of compliance with treatment for substance~~
528 ~~abuse; and~~

529 ~~(b) Because of such impairment the respondent is unlikely~~
530 ~~to voluntarily participate in the recommended services or is~~
531 ~~unable to determine for himself or herself whether services are~~
532 ~~necessary and:~~

533 ~~1. Without services, the respondent is likely to suffer~~
534 ~~from neglect or refuse to care for himself or herself; that such~~
535 ~~neglect or refusal poses a real and present threat of~~
536 ~~substantial harm to his or her well being; and that there is a~~
537 ~~substantial likelihood that without services the respondent will~~
538 ~~cause serious bodily harm to himself, herself, or another in the~~
539 ~~near future, as evidenced by recent behavior; or~~

540 ~~2. The respondent's refusal to voluntarily receive care is~~
541 ~~based on judgment so impaired by reason of substance abuse that~~
542 ~~the respondent is incapable of appreciating his or her need for~~

543 ~~care and of making a rational decision regarding that need for~~
544 ~~care.~~

545 (3) ~~A~~ ~~One of the~~ qualified professional ~~professionals~~ who
546 executed ~~an~~ ~~the~~ involuntary services certificate pursuant to s.
547 397.679 must be a witness. The court shall allow testimony from
548 individuals, including family members, deemed by the court to be
549 relevant under state law, regarding the respondent's prior
550 history and how that prior history relates to the person's
551 current condition. The testimony in the hearing must be under
552 oath, and the proceedings must be recorded. The respondent
553 ~~patient~~ may refuse to testify at the hearing.

554 (4) At the conclusion of the hearing the court shall
555 dismiss the petition or order the respondent to receive
556 involuntary services from his or her chosen licensed service
557 provider if possible and appropriate or a licensed service
558 provider designated by the court. The court may, on its own
559 motion or on the motion of any party, schedule a status
560 conference for the purpose of monitoring the respondent's
561 continued compliance with the court's order for services. Based
562 upon its findings made after reviewing the records disclosed
563 pursuant to s. 397.501(7), the court may order the designated
564 licensed service provider to provide the court and petitioner or
565 the petitioner's counsel with a status report of the
566 respondent's current treatment and compliance with the court
567 order.

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

570 397.697 Court determination; effect of court order for
571 involuntary services.—

572 (1) When the court finds that the conditions for
573 involuntary services have been proved by clear and convincing
574 evidence, it may order the respondent to receive involuntary
575 services from a publicly funded licensed service provider for a
576 period not to exceed 90 days. The court may also order a
577 respondent to receive services ~~undergo treatment~~ through a
578 privately funded licensed service provider if the respondent has
579 the ability to pay for the services ~~treatment~~, or if any person
580 on the respondent's behalf voluntarily demonstrates a
581 willingness and an ability to pay for the services ~~treatment~~. If
582 the court finds it necessary, it may direct any law enforcement
583 agency or the sheriff to take the respondent into custody and
584 deliver him or her to the licensed service provider specified in
585 the court order, or to the nearest appropriate licensed service
586 provider, for involuntary services. When the conditions
587 justifying involuntary services no longer exist, the individual
588 must be released as provided in s. 397.6971. When the conditions
589 justifying involuntary services are expected to exist after 90
590 days of services, a renewal of the involuntary services order
591 may be requested pursuant to s. 397.6975 before the end of the
592 90-day period.

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

595 397.6975 Extension of involuntary services period.—

596 (1) Whenever any petitioner or a licensed service provider
597 believes that an individual who is nearing the scheduled date of
598 his or her release from involuntary services continues to meet
599 the criteria for involuntary services in s. 397.693, a petition
600 for renewal of the involuntary services order may be filed with
601 the court at least 10 days before the expiration of the court-
602 ordered services period. The court shall immediately schedule a
603 hearing to be held not more than 15 days after filing of the
604 petition. The court shall provide the copy of the petition for
605 renewal and the notice of the hearing to all parties to the
606 proceeding. The hearing is conducted pursuant to s. 397.6957.

607 (7) If the respondent has previously been found
608 incompetent to consent to services ~~treatment~~, the court shall
609 consider testimony and evidence regarding the respondent's
610 competence.

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