



745770

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/29/2020	.	
	.	
	.	
	.	

The Committee on Children, Families, and Elder Affairs (Book) recommended the following:

Senate Amendment (with title amendment)

Delete lines 214 - 1783

and insert:

of this part, the term does not include a developmental disability as defined in chapter 393, dementia, traumatic brain injury, intoxication, or conditions manifested only by antisocial behavior or substance abuse.

(31) "Neglect or refuse to care for himself or herself" includes, but is not limited to, evidence that a person:



745770

11 (a) Is unable to satisfy basic needs for nourishment,
12 clothing, medical care, shelter, or safety in a manner that
13 creates a substantial probability of imminent death, serious
14 physical debilitation, or disease; or

15 (b) Is substantially unable to make an informed treatment
16 choice and needs care or treatment to prevent deterioration.

17 (40) "Real and present threat of substantial harm"
18 includes, but is not limited to, evidence of a substantial
19 probability that the untreated person will:

20 (a) Lack, refuse, or not receive services for health and
21 safety that are actually available in the community; or

22 (b) Suffer severe mental, emotional, or physical harm that
23 will result in the loss of his or her ability to function in the
24 community or the loss of cognitive or volitional control over
25 thoughts or actions.

26 Section 2. Subsection (13) is added to section 394.459,
27 Florida Statutes, to read:

28 394.459 Rights of patients.—

29 (13) POST-DISCHARGE CONTINUUM OF CARE.—Upon discharge, a
30 respondent with a serious mental illness must be informed of the
31 essential elements of recovery and provided assistance with
32 accessing a continuum of care regimen. The department may adopt
33 rules specifying the services that may be provided to such
34 respondents.

35 Section 3. Subsection (1) of section 394.4598, Florida
36 Statutes, is amended to read:

37 394.4598 Guardian advocate.—

38 (1) The administrator may petition the court for the
39 appointment of a guardian advocate based upon the opinion of a



745770

40 psychiatrist that the patient is incompetent to consent to
41 treatment. If the court finds that a patient is incompetent to
42 consent to treatment and has not been adjudicated incapacitated
43 and a guardian with the authority to consent to mental health
44 treatment appointed, it shall appoint a guardian advocate. The
45 patient has the right to have an attorney represent him or her
46 at the hearing. If the person is indigent, the court shall
47 appoint the office of the public defender to represent him or
48 her at the hearing. The patient has the right to testify, cross-
49 examine witnesses, and present witnesses. The proceeding shall
50 be recorded either electronically or stenographically, and
51 testimony shall be provided under oath. One of the professionals
52 authorized to give an opinion in support of a petition for
53 involuntary placement, as described in ~~s. 394.4655~~ or s.
54 394.467, must testify. A guardian advocate must meet the
55 qualifications of a guardian contained in part IV of chapter
56 744, except that a professional referred to in this part, an
57 employee of the facility providing direct services to the
58 patient under this part, a departmental employee, a facility
59 administrator, or member of the Florida local advocacy council
60 may ~~shall~~ not be appointed. A person who is appointed as a
61 guardian advocate must agree to the appointment.

62 Section 4. Paragraph (d) of subsection (2) of section
63 394.4599, Florida Statutes, is amended to read:

64 394.4599 Notice.—

65 (2) INVOLUNTARY ADMISSION.—

66 (d) The written notice of the filing of the petition for
67 involuntary services for an individual being held must contain
68 the following:



745770

- 69 1. Notice that the petition for:
- 70 a. Involuntary inpatient treatment pursuant to s. 394.467
- 71 has been filed with the circuit court in the county in which the
- 72 individual is hospitalized and the address of such court; or
- 73 b. Involuntary outpatient services pursuant to s. 394.4655
- 74 has been filed with the criminal county court, ~~as defined in s.~~
- 75 ~~394.4655(1)~~, or the circuit court, as applicable, in the county
- 76 in which the individual is hospitalized and the address of such
- 77 court.
- 78 2. Notice that the office of the public defender has been
- 79 appointed to represent the individual in the proceeding, if the
- 80 individual is not otherwise represented by counsel.
- 81 3. The date, time, and place of the hearing and the name of
- 82 each examining expert and every other person expected to testify
- 83 in support of continued detention.
- 84 4. Notice that the individual, the individual's guardian,
- 85 guardian advocate, health care surrogate or proxy, or
- 86 representative, or the administrator may apply for a change of
- 87 venue for the convenience of the parties or witnesses or because
- 88 of the condition of the individual.
- 89 5. Notice that the individual is entitled to an independent
- 90 expert examination and, if the individual cannot afford such an
- 91 examination, that the court will provide for one.
- 92 Section 5. Subsection (2) of section 394.461, Florida
- 93 Statutes, is amended to read:
- 94 394.461 Designation of receiving and treatment facilities
- 95 and receiving systems.—The department is authorized to designate
- 96 and monitor receiving facilities, treatment facilities, and
- 97 receiving systems and may suspend or withdraw such designation



745770

98 for failure to comply with this part and rules adopted under
99 this part. Unless designated by the department, facilities are
100 not permitted to hold or treat involuntary patients under this
101 part.

102 (2) TREATMENT FACILITY.—The department may designate any
103 state-owned, state-operated, or state-supported facility as a
104 state treatment facility. A civil patient must ~~shall~~ not be
105 admitted to a state treatment facility without previously
106 undergoing a transfer evaluation. Before the close of the
107 state's case in chief in a court hearing for involuntary
108 ~~placement in a state treatment facility~~, the state may establish
109 that the transfer evaluation was performed and the document
110 properly executed by providing the court with a copy of the
111 transfer evaluation. The court may not ~~shall receive and~~
112 consider the substantive information ~~documented~~ in the transfer
113 evaluation unless the evaluator testifies at the hearing. Any
114 other facility, including a private facility or a federal
115 facility, may be designated as a treatment facility by the
116 department, provided that such designation is agreed to by the
117 appropriate governing body or authority of the facility.

118 Section 6. Subsection (3) of section 394.4615, Florida
119 Statutes, is amended to read:

120 394.4615 Clinical records; confidentiality.—

121 (3) Information from the clinical record may be released in
122 the following circumstances:

123 (a) When a patient has communicated to a service provider a
124 specific threat to cause serious bodily injury or death to an
125 identified or a readily available person, if the service
126 provider reasonably believes, or should reasonably believe



745770

127 according to the standards of his or her profession, that the
128 patient has the apparent intent and ability to imminently or
129 immediately carry out such threat. When such communication has
130 been made, the administrator may authorize the release of
131 sufficient information to provide adequate warning to the person
132 threatened with harm by the patient.

133 (b) When the administrator of the facility or secretary of
134 the department deems release to a qualified researcher as
135 defined in administrative rule, an aftercare treatment provider,
136 or an employee or agent of the department is necessary for
137 treatment of the patient, maintenance of adequate records,
138 compilation of treatment data, aftercare planning, or evaluation
139 of programs.

140
141 For the purpose of determining whether a person meets the
142 criteria for involuntary outpatient placement ~~or for preparing~~
143 ~~the proposed treatment plan~~ pursuant to s. 394.4655, the
144 clinical record may be released to the state attorney, the
145 public defender or the patient's private legal counsel, the
146 court, and to the appropriate mental health professionals,
147 ~~including the service provider identified in s.~~
148 ~~394.4655(7)(b)2.,~~ in accordance with state and federal law.

149 Section 7. Section 394.462, Florida Statutes, is amended to
150 read:

151 394.462 Transportation.—A transportation plan shall be
152 developed and implemented by each county in collaboration with
153 the managing entity in accordance with this section. A county
154 may enter into a memorandum of understanding with the governing
155 boards of nearby counties to establish a shared transportation



745770

156 plan. When multiple counties enter into a memorandum of
157 understanding for this purpose, the counties shall notify the
158 managing entity and provide it with a copy of the agreement. The
159 transportation plan shall describe methods of transport to a
160 facility within the designated receiving system for individuals
161 subject to involuntary examination under s. 394.463 or
162 involuntary admission under s. 397.6772, s. 397.679, s.
163 397.6798, or s. 397.6957 ~~s. 397.6811~~, and may identify
164 responsibility for other transportation to a participating
165 facility when necessary and agreed to by the facility. The plan
166 may rely on emergency medical transport services or private
167 transport companies, as appropriate. The plan shall comply with
168 the transportation provisions of this section and ss. 397.6772,
169 397.6795, ~~397.6822~~, and 397.697.

170 (1) TRANSPORTATION TO A RECEIVING FACILITY.—

171 (a) Each county shall designate a single law enforcement
172 agency within the county, or portions thereof, to take a person
173 into custody upon the entry of an ex parte order or the
174 execution of a certificate for involuntary examination by an
175 authorized professional and to transport that person to the
176 appropriate facility within the designated receiving system
177 pursuant to a transportation plan.

178 (b)1. The designated law enforcement agency may decline to
179 transport the person to a receiving facility only if:

180 a. The jurisdiction designated by the county has contracted
181 on an annual basis with an emergency medical transport service
182 or private transport company for transportation of persons to
183 receiving facilities pursuant to this section at the sole cost
184 of the county; and



745770

185 b. The law enforcement agency and the emergency medical
186 transport service or private transport company agree that the
187 continued presence of law enforcement personnel is not necessary
188 for the safety of the person or others.

189 2. The entity providing transportation may seek
190 reimbursement for transportation expenses. The party responsible
191 for payment for such transportation is the person receiving the
192 transportation. The county shall seek reimbursement from the
193 following sources in the following order:

194 a. From a private or public third-party payor, if the
195 person receiving the transportation has applicable coverage.

196 b. From the person receiving the transportation.

197 c. From a financial settlement for medical care, treatment,
198 hospitalization, or transportation payable or accruing to the
199 injured party.

200 (c) A company that transports a patient pursuant to this
201 subsection is considered an independent contractor and is solely
202 liable for the safe and dignified transport of the patient. Such
203 company must be insured and provide no less than \$100,000 in
204 liability insurance with respect to the transport of patients.

205 (d) Any company that contracts with a governing board of a
206 county to transport patients shall comply with the applicable
207 rules of the department to ensure the safety and dignity of
208 patients.

209 (e) When a law enforcement officer takes custody of a
210 person pursuant to this part, the officer may request assistance
211 from emergency medical personnel if such assistance is needed
212 for the safety of the officer or the person in custody.

213 (f) When a member of a mental health overlay program or a



745770

214 mobile crisis response service is a professional authorized to
215 initiate an involuntary examination pursuant to s. 394.463 or s.
216 397.675 and that professional evaluates a person and determines
217 that transportation to a receiving facility is needed, the
218 service, at its discretion, may transport the person to the
219 facility or may call on the law enforcement agency or other
220 transportation arrangement best suited to the needs of the
221 patient.

222 (g) When any law enforcement officer has custody of a
223 person based on either noncriminal or minor criminal behavior
224 that meets the statutory guidelines for involuntary examination
225 pursuant to s. 394.463, the law enforcement officer shall
226 transport the person to the appropriate facility within the
227 designated receiving system pursuant to a transportation plan.
228 Persons who meet the statutory guidelines for involuntary
229 admission pursuant to s. 397.675 may also be transported by law
230 enforcement officers to the extent resources are available and
231 as otherwise provided by law. Such persons shall be transported
232 to an appropriate facility within the designated receiving
233 system pursuant to a transportation plan.

234 (h) When any law enforcement officer has arrested a person
235 for a felony and it appears that the person meets the statutory
236 guidelines for involuntary examination or placement under this
237 part, such person must first be processed in the same manner as
238 any other criminal suspect. The law enforcement agency shall
239 thereafter immediately notify the appropriate facility within
240 the designated receiving system pursuant to a transportation
241 plan. The receiving facility shall be responsible for promptly
242 arranging for the examination and treatment of the person. A



745770

243 receiving facility is not required to admit a person charged
244 with a crime for whom the facility determines and documents that
245 it is unable to provide adequate security, but shall provide
246 examination and treatment to the person where he or she is held.

247 (i) If the appropriate law enforcement officer believes
248 that a person has an emergency medical condition as defined in
249 s. 395.002, the person may be first transported to a hospital
250 for emergency medical treatment, regardless of whether the
251 hospital is a designated receiving facility.

252 (j) The costs of transportation, evaluation,
253 hospitalization, and treatment incurred under this subsection by
254 persons who have been arrested for violations of any state law
255 or county or municipal ordinance may be recovered as provided in
256 s. 901.35.

257 (k) The appropriate facility within the designated
258 receiving system pursuant to a transportation plan must accept
259 persons brought by law enforcement officers, or an emergency
260 medical transport service or a private transport company
261 authorized by the county, for involuntary examination pursuant
262 to s. 394.463.

263 (l) The appropriate facility within the designated
264 receiving system pursuant to a transportation plan must provide
265 persons brought by law enforcement officers, or an emergency
266 medical transport service or a private transport company
267 authorized by the county, pursuant to s. 397.675, a basic
268 screening or triage sufficient to refer the person to the
269 appropriate services.

270 (m) Each law enforcement agency designated pursuant to
271 paragraph (a) shall establish a policy that reflects a single



272 set of protocols for the safe and secure transportation and
273 transfer of custody of the person. Each law enforcement agency
274 shall provide a copy of the protocols to the managing entity.

275 (n) When a jurisdiction has entered into a contract with an
276 emergency medical transport service or a private transport
277 company for transportation of persons to facilities within the
278 designated receiving system, such service or company shall be
279 given preference for transportation of persons from nursing
280 homes, assisted living facilities, adult day care centers, or
281 adult family-care homes, unless the behavior of the person being
282 transported is such that transportation by a law enforcement
283 officer is necessary.

284 (o) This section may not be construed to limit emergency
285 examination and treatment of incapacitated persons provided in
286 accordance with s. 401.445.

287 (2) TRANSPORTATION TO A TREATMENT FACILITY.—

288 (a) If neither the patient nor any person legally obligated
289 or responsible for the patient is able to pay for the expense of
290 transporting a voluntary or involuntary patient to a treatment
291 facility, the transportation plan established by the governing
292 board of the county or counties must specify how the
293 hospitalized patient will be transported to, from, and between
294 facilities in a safe and dignified manner.

295 (b) A company that transports a patient pursuant to this
296 subsection is considered an independent contractor and is solely
297 liable for the safe and dignified transportation of the patient.
298 Such company must be insured and provide no less than \$100,000
299 in liability insurance with respect to the transport of
300 patients.



745770

301 (c) A company that contracts with one or more counties to
302 transport patients in accordance with this section shall comply
303 with the applicable rules of the department to ensure the safety
304 and dignity of patients.

305 (d) County or municipal law enforcement and correctional
306 personnel and equipment may not be used to transport patients
307 adjudicated incapacitated or found by the court to meet the
308 criteria for involuntary placement pursuant to s. 394.467,
309 except in small rural counties where there are no cost-efficient
310 alternatives.

311 (3) TRANSFER OF CUSTODY.—Custody of a person who is
312 transported pursuant to this part, along with related
313 documentation, shall be relinquished to a responsible individual
314 at the appropriate receiving or treatment facility.

315 Section 8. Subsection (1) of section 394.4625, Florida
316 Statutes, is amended to read:

317 394.4625 Voluntary admissions.—

318 (1) EXAMINATION AND TREATMENT AUTHORITY TO RECEIVE
319 PATIENTS.—

320 (a) In order to be admitted to a facility on a voluntary
321 basis, a person must show evidence of a mental illness and be
322 suitable for treatment by the facility.

323 1. If the person is an adult, he or she must be competent
324 to provide his or her express and informed consent in writing to
325 the facility.

326 2. A minor may only be admitted to a facility on the basis
327 of the express and informed consent of the minor's parent or
328 legal guardian in conjunction with the minor's assent.

329 a. The minor's assent is an affirmative agreement by the



745770

330 minor to remain at the facility for examination and treatment.
331 The minor's failure to object is not assent for purposes of this
332 subparagraph.

333 b. The minor's assent must be verified through a clinical
334 assessment that is documented in the minor's clinical record and
335 conducted within 12 hours after arrival at the facility by a
336 licensed professional authorized to initiate an involuntary
337 examination under s. 394.463.

338 c. In verifying the minor's assent, the examining
339 professional must first provide the minor with an explanation as
340 to why the minor will be examined and treated, what the minor
341 can expect while in the facility, and when the minor may expect
342 to be released, using language that is appropriate to the
343 minor's age, experience, maturity, and condition. The examining
344 professional must determine and document that the minor is able
345 to understand this information.

346 d. The facility must advise the minor of his or her right
347 to request and have access to legal counsel.

348 e. The facility administrator must file with the court a
349 notice of a minor's voluntary placement within 1 court working
350 day after the minor's admission to the facility.

351 f. The court shall appoint a public defender who may review
352 the voluntariness of the minor's admission to the facility and
353 further verify his or her assent. The public defender may
354 interview and represent the minor and shall have access to all
355 relevant witnesses and records. If the public defender does not
356 review the voluntariness of the admission, the clinical
357 assessment of the minor's assent shall serve as verification of
358 assent.



745770

359 g. Unless the minor's assent is verified pursuant to this
360 subparagraph, a petition for involuntary placement must be filed
361 with the court or the minor must be released to his or her
362 parent or legal guardian within 24 hours after arriving at the
363 facility ~~A facility may receive for observation, diagnosis, or~~
364 ~~treatment any person 18 years of age or older making application~~
365 ~~by express and informed consent for admission or any person age~~
366 ~~17 or under for whom such application is made by his or her~~
367 ~~guardian. If found to show evidence of mental illness, to be~~
368 ~~competent to provide express and informed consent, and to be~~
369 ~~suitable for treatment, such person 18 years of age or older may~~
370 ~~be admitted to the facility. A person age 17 or under may be~~
371 ~~admitted only after a hearing to verify the voluntariness of the~~
372 ~~consent.~~

373 (b) A mental health overlay program or a mobile crisis
374 response service or a licensed professional who is authorized to
375 initiate an involuntary examination pursuant to s. 394.463 and
376 is employed by a community mental health center or clinic must,
377 pursuant to district procedure approved by the respective
378 district administrator, conduct an initial assessment of the
379 ability of the following persons to give express and informed
380 consent to treatment before such persons may be admitted
381 voluntarily:

382 1. A person 60 years of age or older for whom transfer is
383 being sought from a nursing home, assisted living facility,
384 adult day care center, or adult family-care home, when such
385 person has been diagnosed as suffering from dementia.

386 2. A person 60 years of age or older for whom transfer is
387 being sought from a nursing home pursuant to s. 400.0255(12).



388 3. A person for whom all decisions concerning medical
389 treatment are currently being lawfully made by the health care
390 surrogate or proxy designated under chapter 765.

391 (c) When an initial assessment of the ability of a person
392 to give express and informed consent to treatment is required
393 under this section, and a mobile crisis response service does
394 not respond to the request for an assessment within 2 hours
395 after the request is made or informs the requesting facility
396 that it will not be able to respond within 2 hours after the
397 request is made, the requesting facility may arrange for
398 assessment by any licensed professional authorized to initiate
399 an involuntary examination pursuant to s. 394.463 who is not
400 employed by or under contract with, and does not have a
401 financial interest in, either the facility initiating the
402 transfer or the receiving facility to which the transfer may be
403 made.

404 (d) A facility may not admit as a voluntary patient a
405 person who has been adjudicated incapacitated, unless the
406 condition of incapacity has been judicially removed. If a
407 facility admits as a voluntary patient a person who is later
408 determined to have been adjudicated incapacitated, and the
409 condition of incapacity had not been removed by the time of the
410 admission, the facility must either discharge the patient or
411 transfer the patient to involuntary status.

412 (e) The health care surrogate or proxy of a voluntary
413 patient may not consent to the provision of mental health
414 treatment for the patient. A voluntary patient who is unwilling
415 or unable to provide express and informed consent to mental
416 health treatment must either be discharged or transferred to



745770

417 involuntary status.

418 (f) Within 24 hours after admission of a voluntary patient,
419 the admitting physician shall document in the patient's clinical
420 record that the patient is able to give express and informed
421 consent for admission. If the patient is not able to give
422 express and informed consent for admission, the facility shall
423 either discharge the patient or transfer the patient to
424 involuntary status pursuant to subsection (5).

425 Section 9. Subsection (1) and paragraphs (a), (g), and (h)
426 of subsection (2) of section 394.463, Florida Statutes, are
427 amended, and subsection (5) is added to that section, to read:

428 394.463 Involuntary examination.—

429 (1) CRITERIA.—A person may be taken to a receiving facility
430 for involuntary examination if there is reason to believe that
431 the person has a mental illness and because of his or her mental
432 illness:

433 (a)1. The person has refused voluntary examination after
434 conscientious explanation and disclosure of the purpose of the
435 examination; or

436 2. The person is unable to determine for himself or herself
437 whether examination is necessary; and

438 (b)1. Without care or treatment, the person is likely to
439 suffer from neglect or refuse to care for himself or herself;
440 such neglect or refusal poses a real and present threat of
441 substantial harm to his or her well-being; and it is not
442 apparent that such harm may be avoided through the help of
443 willing, able, and responsible family members or friends or the
444 provision of other services; or

445 2. There is a substantial likelihood that in the near



745770

446 future and without care or treatment, the person will inflict
447 serious ~~cause serious bodily~~ harm to self ~~himself or herself~~ or
448 others ~~in the near future~~, as evidenced by acts, omissions, or
449 ~~recent~~ behavior causing, attempting, or threatening such harm,
450 which includes, but is not limited to, significant property
451 damage.

452 (2) INVOLUNTARY EXAMINATION.—

453 (a) An involuntary examination may be initiated by any one
454 of the following means:

455 1. A circuit or county court may enter an ex parte order
456 stating that a person appears to meet the criteria for
457 involuntary examination and specifying the findings on which
458 that conclusion is based. The ex parte order for involuntary
459 examination must be based on written or oral sworn testimony
460 that includes specific facts that support the findings. If other
461 less restrictive means are not available, such as voluntary
462 appearance for outpatient evaluation, a law enforcement officer,
463 or other designated agent of the court, shall take the person
464 into custody and deliver him or her to an appropriate, or the
465 nearest, facility within the designated receiving system
466 pursuant to s. 394.462 for involuntary examination. The order of
467 the court shall be made a part of the patient's clinical record.
468 A fee may not be charged for the filing of an order under this
469 subsection. A facility accepting the patient based on this order
470 must send a copy of the order to the department within 5 working
471 days. The order may be submitted electronically through existing
472 data systems, if available. The order shall be valid only until
473 the person is delivered to the facility or for the period
474 specified in the order itself, whichever comes first. If no time



745770

475 limit is specified in the order, the order shall be valid for 7
476 days after the date that the order was signed.

477 2. A law enforcement officer may ~~shall~~ take a person who
478 appears to meet the criteria for involuntary examination into
479 custody and deliver the person or have him or her delivered to
480 an appropriate, or the nearest, facility within the designated
481 receiving system pursuant to s. 394.462 for examination. The
482 officer shall execute a written report detailing the
483 circumstances under which the person was taken into custody,
484 which must be made a part of the patient's clinical record. Any
485 facility accepting the patient based on this report must send a
486 copy of the report to the department within 5 working days.

487 3. A physician, clinical psychologist, psychiatric nurse,
488 mental health counselor, marriage and family therapist, or
489 clinical social worker may execute a certificate stating that he
490 or she has examined a person within the preceding 48 hours and
491 finds that the person appears to meet the criteria for
492 involuntary examination and stating the observations upon which
493 that conclusion is based. If other less restrictive means, such
494 as voluntary appearance for outpatient evaluation, are not
495 available, a law enforcement officer shall take into custody the
496 person named in the certificate and deliver him or her to the
497 appropriate, or nearest, facility within the designated
498 receiving system pursuant to s. 394.462 for involuntary
499 examination. The law enforcement officer shall execute a written
500 report detailing the circumstances under which the person was
501 taken into custody. The report and certificate shall be made a
502 part of the patient's clinical record. Any facility accepting
503 the patient based on this certificate must send a copy of the



745770

504 certificate to the department within 5 working days. The
505 document may be submitted electronically through existing data
506 systems, if applicable.

507
508 When sending the order, report, or certificate to the
509 department, a facility shall, at a minimum, provide information
510 about which action was taken regarding the patient under
511 paragraph (g), which information shall also be made a part of
512 the patient's clinical record.

513 (g) The examination period must be for up to 72 hours. For
514 a minor, the examination shall be initiated within 12 hours
515 after the patient's arrival at the facility. The facility must
516 inform the department of any person who has been examined or
517 committed three or more times under this chapter within a 12-
518 month period. Within the examination period or, if the
519 examination period ends on a weekend or holiday, no later than
520 the next working day thereafter, one of the following actions
521 must be taken, based on the individual needs of the patient:

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

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

527 3. The patient, unless he or she is charged with a crime,
528 shall be asked to give express and informed consent to placement
529 as a voluntary patient and, if such consent is given, the
530 patient shall be admitted as a voluntary patient; or

531 4. A petition for involuntary services shall be filed in
532 the circuit court ~~if inpatient treatment is deemed necessary~~ or



745770

533 with a the criminal county court, as described in s. 394.4655
534 ~~defined in s. 394.4655(1)~~, as applicable. When inpatient
535 treatment is deemed necessary, the least restrictive treatment
536 consistent with the optimum improvement of the patient's
537 condition shall be made available. The petition ~~When a petition~~
538 ~~is to be filed for involuntary outpatient placement, it shall be~~
539 ~~filed by one of the petitioners specified in s. 394.4655(4)(a).~~
540 ~~A petition for involuntary inpatient placement shall be filed by~~
541 the facility administrator.

542 (h) A person for whom an involuntary examination has been
543 initiated who is being evaluated or treated at a hospital for an
544 emergency medical condition specified in s. 395.002 must be
545 examined by a facility within the examination period specified
546 in paragraph (g). The examination period begins when the patient
547 arrives at the hospital and ceases when the attending physician
548 documents that the patient has an emergency medical condition.
549 If the patient is examined at a hospital providing emergency
550 medical services by a professional qualified to perform an
551 involuntary examination and is found as a result of that
552 examination not to meet the criteria for involuntary outpatient
553 services pursuant to s. 394.4655 ~~s. 394.4655(2)~~ or involuntary
554 inpatient placement pursuant to s. 394.467(1), the patient may
555 be offered voluntary services or placement, if appropriate, or
556 released directly from the hospital providing emergency medical
557 services. The finding by the professional that the patient has
558 been examined and does not meet the criteria for involuntary
559 inpatient services or involuntary outpatient placement must be
560 entered into the patient's clinical record. This paragraph is
561 not intended to prevent a hospital providing emergency medical



745770

562 services from appropriately transferring a patient to another
563 hospital before stabilization if the requirements of s.
564 395.1041(3) (c) have been met.

565 (5) UNLAWFUL ACTIVITIES RELATING TO EXAMINATION AND
566 TREATMENT; PENALTIES.-

567 (a) Knowingly furnishing false information for the purpose
568 of obtaining emergency or other involuntary admission for any
569 person is a misdemeanor of the first degree, punishable as
570 provided in s. 775.082 and by a fine not exceeding \$5,000.

571 (b) Causing or otherwise securing, conspiring with or
572 assisting another to cause or secure, without reason for
573 believing a person to be impaired, any emergency or other
574 involuntary procedure for the person is a misdemeanor of the
575 first degree, punishable as provided in s. 775.082 and by a fine
576 not exceeding \$5,000.

577 (c) Causing, or conspiring with or assisting another to
578 cause, the denial to any person of any right accorded pursuant
579 to this chapter is a misdemeanor of the first degree, punishable
580 as provided in s. 775.082 by a fine not exceeding \$5,000.

581 Section 10. Section 394.4655, Florida Statutes, is amended
582 to read:

583 (Substantial rewording of section. See
584 s. 394.4655, F.S., for present text.)

585 394.4655 Involuntary outpatient services.-

586 (1) (a) The court may order a respondent into outpatient
587 treatment for up to 6 months if, during a hearing under s.
588 394.467, it is established that the respondent meets involuntary
589 placement criteria and:

590 1. Has been jailed or incarcerated, has been involuntarily



745770

591 admitted to a receiving or treatment facility as defined in s.
592 394.455, or has received mental health services in a forensic or
593 correctional facility at least twice during the last 36 months;

594 2. The outpatient treatment is provided in the county in
595 which the respondent resides or, if being placed from a state
596 treatment facility, will reside; and

597 3. The respondent's treating physician certifies, within a
598 reasonable degree of medical probability, that the respondent:

599 a. Can be appropriately treated on an outpatient basis; and

600 b. Can follow a prescribed treatment plan.

601 (b) For the duration of his or her treatment, the
602 respondent must be supported by a social worker or case manager
603 of the outpatient provider, or a willing, able, and responsible
604 individual appointed by the court who must inform the court,
605 state attorney, and public defender of any failure by the
606 respondent to comply with his or her outpatient program.

607 (2) The court shall retain jurisdiction over the case and
608 parties for the entry of such further orders after a hearing, as
609 the circumstances may require. Such jurisdiction includes, but
610 is not limited to, ordering inpatient treatment to stabilize a
611 respondent who decompensates during his or her up to 6-month
612 period of court-ordered treatment and meets the commitment
613 criteria of s. 394.467.

614 (3) A criminal county court exercising its original
615 jurisdiction in a misdemeanor case under s. 34.01 may order a
616 person who meets the commitment criteria into involuntary
617 outpatient services.

618 Section 11. Subsections (1) and (5) and paragraphs (a),
619 (b), and (c) of subsection (6) of section 394.467, Florida



745770

620 Statutes, are amended to read:

621 394.467 Involuntary inpatient placement.—

622 (1) CRITERIA.—A person may be ordered for involuntary
623 inpatient placement for treatment upon a finding of the court by
624 clear and convincing evidence that:

625 (a) He or she has a mental illness and because of his or
626 her mental illness:

627 1.a. He or she has refused voluntary inpatient placement
628 for treatment after sufficient and conscientious explanation and
629 disclosure of the purpose of inpatient placement for treatment;
630 or

631 b. He or she is unable to determine for himself or herself
632 whether inpatient placement is necessary; and

633 2.a. He or she is incapable of surviving alone or with the
634 help of willing, able, and responsible family or friends,
635 including available alternative services, and, without
636 treatment, is likely to suffer from neglect or refuse to care
637 for himself or herself, and such neglect or refusal poses a real
638 and present threat of substantial harm to his or her well-being;
639 or

640 b. There is substantial likelihood that in the near future
641 and without services he or she will inflict serious ~~bodily~~ harm
642 to ~~en~~ self or others, as evidenced by acts, omissions, or recent
643 behavior causing, attempting, or threatening such harm, which
644 includes, but is not limited to, significant property damage;
645 and

646 (b) All available less restrictive treatment alternatives
647 that would offer an opportunity for improvement of his or her
648 condition have been judged to be inappropriate.



745770

649 (5) CONTINUANCE OF HEARING.—The patient and the state are
650 independently entitled ~~is entitled, with the concurrence of the~~
651 ~~patient's counsel,~~ to at least one continuance of the hearing.
652 The patient's continuance may be for a period of for up to 4
653 weeks and requires the concurrence of his or her counsel. The
654 state's continuance may be for a period of up to 5 court working
655 days and requires a showing of good cause and due diligence by
656 the state before requesting the continuance. The state's failure
657 to timely review any readily available document or failure to
658 attempt to contact a known witness does not warrant a
659 continuance.

660 (6) HEARING ON INVOLUNTARY INPATIENT PLACEMENT.—

661 (a)1. The court shall hold the hearing on involuntary
662 inpatient placement within 5 court working days, unless a
663 continuance is granted.

664 2. Except for good cause documented in the court file, the
665 hearing must be held in the county or the facility, as
666 appropriate, where the patient is located, must be as convenient
667 to the patient as is consistent with orderly procedure, and
668 shall be conducted in physical settings not likely to be
669 injurious to the patient's condition. If the court finds that
670 the patient's attendance at the hearing is not consistent with
671 the best interests of, or is likely to be injurious to, the
672 patient, or the patient knowingly, intelligently, and
673 voluntarily waives his or her right to be present, and the
674 patient's counsel does not object, the court may waive the
675 presence of the patient from all or any portion of the hearing.
676 Absent a showing of good cause, such as specific symptoms of the
677 respondent's condition, the court may permit all witnesses,



745770

678 including, but not limited to, any medical professionals or
679 personnel who are or have been involved with the patient's
680 treatment, to remotely attend and testify at the hearing under
681 oath via the most appropriate and convenient technological
682 method of communication available to the court, including, but
683 not limited to, teleconference. Any witness intending to
684 remotely attend and testify at the hearing must provide the
685 parties with all relevant documents in advance of the hearing.
686 The state attorney for the circuit in which the patient is
687 located shall represent the state, rather than the petitioning
688 facility administrator, as the real party in interest in the
689 proceeding. In order to evaluate and prepare its case before the
690 hearing, the state attorney may access, by subpoena if
691 necessary, the patient, witnesses, and all relevant records.
692 Such records include, but are not limited to, any social media,
693 school records, clinical files, and reports documenting contact
694 the patient may have had with law enforcement officers or other
695 state agencies. However, these records shall remain
696 confidential, and the state attorney may not use any records
697 obtained under this part for criminal investigation or
698 prosecution purposes, or for any purpose other than the
699 patient's civil commitment under this chapter.

700 3. The court may appoint a magistrate to preside at the
701 hearing on the petition and any ancillary proceedings thereto,
702 which include, but are not limited to, writs of habeas corpus
703 issued pursuant to s. 394.459(8). One of the professionals who
704 executed the petition for involuntary inpatient placement
705 certificate shall be a witness. The patient and the patient's
706 guardian or representative shall be informed by the court of the



745770

707 right to an independent expert examination. If the patient
708 cannot afford such an examination, the court shall ensure that
709 one is provided, as otherwise provided for by law. The
710 independent expert's report is confidential and not
711 discoverable, unless the expert is to be called as a witness for
712 the patient at the hearing. The testimony in the hearing must be
713 given under oath, and the proceedings must be recorded. The
714 patient may refuse to testify at the hearing.

715 (b) If the court concludes that the patient meets the
716 criteria for involuntary inpatient placement, it may order that
717 the patient be transferred to a treatment facility or, if the
718 patient is at a treatment facility, that the patient be retained
719 there or be treated at any other appropriate facility, or that
720 the patient receive services, on an involuntary basis, for up to
721 ~~90 days. However, any order for involuntary mental health~~
722 ~~services in a treatment facility may be for up to 6 months.~~ The
723 order shall specify the nature and extent of the patient's
724 mental illness and, unless the patient has transferred to a
725 voluntary status, the facility must discharge the patient at any
726 time he or she no longer meets the criteria for involuntary
727 inpatient treatment. The court may not order an individual with
728 a developmental disability as defined in s. 393.063, traumatic
729 brain injury, or dementia who lacks a co-occurring mental
730 illness to be involuntarily placed in a state treatment
731 facility. Such individuals must be referred to the Agency for
732 Persons with Disabilities or the Department of Elderly Affairs
733 for further evaluation and the provision of appropriate services
734 for their individual needs. In addition, if it reasonably
735 appears that the individual would be found incapacitated under



745770

736 chapter 744 and the individual does not already have a legal
737 guardian, the facility must inform any known next of kin and
738 initiate guardianship proceedings. The facility may hold the
739 individual until the petition to appoint a guardian is heard by
740 the court and placement is secured. The facility shall discharge
741 a patient any time the patient no longer meets the criteria for
742 involuntary inpatient placement, unless the patient has
743 transferred to voluntary status.

744 (c) If at any time before the conclusion of the involuntary
745 placement hearing ~~on involuntary inpatient placement~~ it appears
746 to the court that the person does not meet the criteria of ~~for~~
747 ~~involuntary inpatient placement under~~ this section, but instead
748 meets the criteria for involuntary ~~outpatient services~~, the
749 court ~~may order the person evaluated for involuntary outpatient~~
750 ~~services pursuant to s. 394.4655. The petition and hearing~~
751 ~~procedures set forth in s. 394.4655 shall apply. If the person~~
752 ~~instead meets the criteria for involuntary assessment,~~
753 ~~protective custody, or involuntary admission or treatment~~
754 pursuant to s. 397.675, ~~then~~ the court may order the person to
755 be admitted for involuntary assessment ~~for a period of 5 days~~
756 pursuant to s. 397.6957 ~~s. 397.6811~~. Thereafter, all proceedings
757 are governed by chapter 397.

758 Section 12. Subsection (3) of section 394.495, Florida
759 Statutes, is amended to read:

760 394.495 Child and adolescent mental health system of care;
761 programs and services.—

762 (3) Assessments must be performed by:

763 (a) A clinical psychologist, clinical social worker,
764 physician, psychiatric nurse, or psychiatrist as those terms are



745770

765 defined in s. 394.455 ~~professional as defined in s. 394.455(5),~~
766 ~~(7), (32), (35), or (36);~~

767 (b) A professional licensed under chapter 491; or

768 (c) A person who is under the direct supervision of a
769 clinical psychologist, clinical social worker, physician,
770 psychiatric nurse, or psychiatrist as those terms are defined in
771 s. 394.455 ~~qualified professional as defined in s. 394.455(5),~~
772 ~~(7), (32), (35), or (36)~~ or a professional licensed under
773 chapter 491.

774 Section 13. Subsection (5) of section 394.496, Florida
775 Statutes, is amended to read:

776 394.496 Service planning.—

777 (5) A clinical psychologist, clinical social worker,
778 physician, psychiatric nurse, or psychiatrist as those terms are
779 defined in s. 394.455 ~~professional as defined in s. 394.455(5),~~
780 ~~(7), (32), (35), or (36)~~ or a professional licensed under
781 chapter 491 must be included among those persons developing the
782 services plan.

783 Section 14. Paragraph (a) of subsection (2) of section
784 394.499, Florida Statutes, is amended to read:

785 394.499 Integrated children's crisis stabilization
786 unit/juvenile addictions receiving facility services.—

787 (2) Children eligible to receive integrated children's
788 crisis stabilization unit/juvenile addictions receiving facility
789 services include:

790 (a) A person under 18 years of age for whom voluntary
791 application is made by his or her parent or legal guardian, if
792 such person is found to show evidence of mental illness and to
793 be suitable for treatment pursuant to s. 394.4625. A person



745770

794 under 18 years of age may be admitted for integrated facility
795 services only after a hearing to verify that the consent to
796 admission is voluntary is conducted pursuant to s. 394.4625.

797 Section 15. Subsection (6) of section 394.9085, Florida
798 Statutes, is amended to read:

799 394.9085 Behavioral provider liability.—

800 (6) For purposes of this section, the terms “detoxification
801 services,” “addictions receiving facility,” and “receiving
802 facility” have the same meanings as those provided in ss.
803 397.311(26)(a)4., 397.311(26)(a)1., and 394.455 ~~394.455(39)~~,
804 respectively.

805 Section 16. Subsection (3) of section 397.305, Florida
806 Statutes, is amended to read:

807 397.305 Legislative findings, intent, and purpose.—

808 (3) It is the purpose of this chapter to provide for a
809 comprehensive continuum of accessible and quality substance
810 abuse prevention, intervention, clinical treatment, and recovery
811 support services in the most appropriate and least restrictive
812 environment which promotes long-term recovery while protecting
813 and respecting the rights of individuals, primarily through
814 community-based private not-for-profit providers working with
815 local governmental programs involving a wide range of agencies
816 from both the public and private sectors.

817 Section 17. Present subsections (29) through (36) and (37)
818 through (50) of section 397.311, Florida Statutes, are
819 redesignated as subsections (30) through (37) and (39) through
820 (52), respectively, new subsections (29) and (38) are added to
821 that section, and subsections (19) and (23) are amended, to
822 read:



745770

823 397.311 Definitions.—As used in this chapter, except part
824 VIII, the term:

825 (19) "Impaired" or "substance abuse impaired" means having
826 a substance use disorder or a condition involving the use of
827 alcoholic beverages, illicit or prescription drugs, or any
828 psychoactive or mood-altering substance in such a manner as to
829 induce mental, emotional, or physical problems or ~~and~~ cause
830 socially dysfunctional behavior.

831 (23) "Involuntary treatment services" means an array of
832 behavioral health services that may be ordered by the court for
833 persons with substance abuse impairment or co-occurring
834 substance abuse impairment and mental health disorders.

835 (29) "Neglect or refuse to care for himself or herself"
836 includes, but is not limited to, evidence that a person:

837 (a) Is unable to satisfy basic needs for nourishment,
838 clothing, medical care, shelter, or safety in a manner that
839 creates a substantial probability of imminent death, serious
840 physical debilitation, or disease; or

841 (b) Is substantially unable to make an informed treatment
842 choice and needs care or treatment to prevent deterioration.

843 (38) "Real and present threat of substantial harm"
844 includes, but is not limited to, evidence of a substantial
845 probability that the untreated person will:

846 (a) Lack, refuse, or not receive services for health and
847 safety that are actually available in the community; or

848 (b) Suffer severe mental, emotional, or physical harm that
849 will result in the loss of ability to function in the community
850 or the loss of cognitive or volitional control over thoughts or
851 actions.



745770

852 Section 18. Section 397.416, Florida Statutes, is amended
853 to read:

854 397.416 Substance abuse treatment services; qualified
855 professional.—Notwithstanding any other provision of law, a
856 person who was certified through a certification process
857 recognized by the former Department of Health and Rehabilitative
858 Services before January 1, 1995, may perform the duties of a
859 qualified professional with respect to substance abuse treatment
860 services as defined in this chapter, and need not meet the
861 certification requirements contained in s. 397.311(36) ~~s.~~
862 ~~397.311(35)~~.

863 Section 19. Subsection (11) is added to section 397.501,
864 Florida Statutes, to read:

865 397.501 Rights of individuals.—Individuals receiving
866 substance abuse services from any service provider are
867 guaranteed protection of the rights specified in this section,
868 unless otherwise expressly provided, and service providers must
869 ensure the protection of such rights.

870 (11) POST-DISCHARGE CONTINUUM OF CARE.—Upon discharge, a
871 respondent with a serious substance abuse addiction must be
872 informed of the essential elements of recovery and provided
873 assistance with accessing a continuum of care regimen. The
874 department may adopt rules specifying the services that may be
875 provided to such respondents.

876 Section 20. Section 397.675, Florida Statutes, is amended
877 to read:

878 397.675 Criteria for involuntary admissions, including
879 protective custody, emergency admission, and other involuntary
880 assessment, involuntary treatment, and alternative involuntary



745770

881 assessment for minors, for purposes of assessment and
882 stabilization, and for involuntary treatment.—A person meets the
883 criteria for involuntary admission if there is good faith reason
884 to believe that the person is substance abuse impaired, has a
885 substance use disorder, or has a substance use disorder and a
886 co-occurring mental health disorder and, because of such
887 impairment or disorder:

888 (1) Has lost the power of self-control with respect to
889 substance abuse, or has a history of noncompliance with
890 substance abuse treatment with continued substance use; and

891 (2) ~~(a)~~ Is in need of substance abuse services and, by
892 reason of substance abuse impairment, his or her judgment has
893 been so impaired that he or she is refusing voluntary care after
894 a sufficient and conscientious explanation and disclosure of the
895 purpose for such services, or is incapable of appreciating his
896 or her need for such services and of making a rational decision
897 in that regard, although mere refusal to receive such services
898 does not constitute evidence of lack of judgment with respect to
899 his or her need for such services; and ~~or~~

900 (3) (a) ~~(b)~~ Without care or treatment, is likely to suffer
901 from neglect or refuse to care for himself or herself; that such
902 neglect or refusal poses a real and present threat of
903 substantial harm to his or her well-being; and that it is not
904 apparent that such harm may be avoided through the help of
905 willing, able, and responsible family members or friends or the
906 provision of other services; or

907 (b) There is substantial likelihood that in the near future
908 and without services, the person will inflict serious harm to
909 self or others, as evidenced by acts, omissions, or behavior



745770

910 causing, attempting, or threatening such harm, which includes,
911 but is not limited to, significant property damage ~~has~~
912 ~~inflicted, or threatened to or attempted to inflict, or, unless~~
913 ~~admitted, is likely to inflict, physical harm on himself,~~
914 ~~herself, or another.~~

915 Section 21. Subsection (1) of section 397.6751, Florida
916 Statutes, is amended to read:

917 397.6751 Service provider responsibilities regarding
918 involuntary admissions.—

919 (1) It is the responsibility of the service provider to:

920 (a) Ensure that a person who is admitted to a licensed
921 service component meets the admission criteria specified in s.
922 397.675;

923 (b) Ascertain whether the medical and behavioral conditions
924 of the person, as presented, are beyond the safe management
925 capabilities of the service provider;

926 (c) Provide for the admission of the person to the service
927 component that represents the most appropriate and least
928 restrictive available setting that is responsive to the person's
929 treatment needs;

930 (d) Verify that the admission of the person to the service
931 component does not result in a census in excess of its licensed
932 service capacity;

933 (e) Determine whether the cost of services is within the
934 financial means of the person or those who are financially
935 responsible for the person's care; and

936 (f) Take all necessary measures to ensure that each
937 individual in treatment is provided with a safe environment, and
938 to ensure that each individual whose medical condition or



745770

939 behavioral problem becomes such that he or she cannot be safely
940 managed by the service component is discharged and referred to a
941 more appropriate setting for care.

942 Section 22. Section 397.681, Florida Statutes, is amended
943 to read:

944 397.681 Involuntary petitions; general provisions; court
945 jurisdiction and right to counsel.-

946 (1) JURISDICTION.-The courts have jurisdiction of
947 ~~involuntary assessment and stabilization petitions and~~
948 involuntary treatment petitions for substance abuse impaired
949 persons, and such petitions must be filed with the clerk of the
950 court in the county where the person is located. The clerk of
951 the court may not charge a fee for the filing of a petition
952 under this section. The chief judge may appoint a general or
953 special magistrate to preside over all or part of the
954 proceedings. The alleged impaired person is named as the
955 respondent.

956 (2) RIGHT TO COUNSEL.-A respondent has the right to counsel
957 at every stage of a proceeding relating to a petition for his or
958 her ~~involuntary assessment and a petition for his or her~~
959 involuntary treatment for substance abuse impairment. A
960 respondent who desires counsel and is unable to afford private
961 counsel has the right to court-appointed counsel and to the
962 benefits of s. 57.081. If the court believes that the respondent
963 needs the assistance of counsel, the court shall appoint such
964 counsel for the respondent without regard to the respondent's
965 wishes. If the respondent is a minor not otherwise represented
966 in the proceeding, the court shall immediately appoint a
967 guardian ad litem to act on the minor's behalf.



745770

968 (3) STATE REPRESENTATIVE.—Subject to legislative
969 appropriation, for all court-involved involuntary proceedings
970 under this chapter in which the petitioner has not retained
971 private counsel, the state attorney for the circuit in which the
972 respondent is located shall represent the state rather than the
973 petitioner as the real party of interest in the proceeding, but
974 the state attorney must be respectful of the petitioner's
975 interests and concerns. In order to evaluate and prepare its
976 case before the hearing, the state attorney may access, by
977 subpoena if necessary, the respondent, the witnesses, and all
978 relevant records. Such records include, but are not limited to,
979 any social media, school records, clinical files, and reports
980 documenting contact the respondent may have had with law
981 enforcement officers or other state agencies. However, these
982 records shall remain confidential, and the petitioner may not
983 access any records obtained by the state attorney unless such
984 records are entered into the court file. In addition, the state
985 attorney may not use any records obtained under this part for
986 criminal investigation or prosecution purposes, or for any
987 purpose other than the respondent's civil commitment under this
988 chapter.

989 Section 23. Section 397.6811, Florida Statutes, is
990 repealed.

991 Section 24. Section 397.6814, Florida Statutes, is
992 repealed.

993 Section 25. Section 397.6815, Florida Statutes, is
994 repealed.

995 Section 26. Section 397.6818, Florida Statutes, is
996 repealed.



745770

997 Section 27. Section 397.6819, Florida Statutes, is
998 repealed.

999 Section 28. Section 397.6821, Florida Statutes, is
1000 repealed.

1001 Section 29. Section 397.6822, Florida Statutes, is
1002 repealed.

1003 Section 30. Section 397.693, Florida Statutes, is amended
1004 to read:

1005 397.693 Involuntary treatment.—A person may be the subject
1006 of a petition for court-ordered involuntary treatment pursuant
1007 to this part, if that person:

1008 (1) Reasonably appears to meet ~~meets~~ the criteria for
1009 involuntary admission provided in s. 397.675; ~~and:~~

1010 (2) ~~(1)~~ Has been placed under protective custody pursuant to
1011 s. 397.677 within the previous 10 days;

1012 (3) ~~(2)~~ Has been subject to an emergency admission pursuant
1013 to s. 397.679 within the previous 10 days; or

1014 (4) ~~(3)~~ Has been assessed by a qualified professional within
1015 30 ~~5~~ days;

1016 ~~(4) Has been subject to involuntary assessment and~~
1017 ~~stabilization pursuant to s. 397.6818 within the previous 12~~
1018 ~~days; or~~

1019 ~~(5) Has been subject to alternative involuntary admission~~
1020 ~~pursuant to s. 397.6822 within the previous 12 days.~~

1021 Section 31. Section 397.695, Florida Statutes, is amended
1022 to read:

1023 397.695 Involuntary treatment services; persons who may
1024 petition.—

1025 (1) If the respondent is an adult, a petition for



745770

1026 involuntary treatment services may be filed by the respondent's
1027 spouse or legal guardian, any relative, a service provider, or
1028 an adult who has direct personal knowledge of the respondent's
1029 substance abuse impairment and his or her prior course of
1030 assessment and treatment.

1031 (2) If the respondent is a minor, a petition for
1032 involuntary treatment may be filed by a parent, legal guardian,
1033 or service provider.

1034 (3) The court or the clerk of the court may waive or
1035 prohibit any service of process fees if a petitioner is
1036 determined to be indigent under s. 57.082.

1037 Section 32. Section 397.6951, Florida Statutes, is amended
1038 to read:

1039 397.6951 Contents of petition for involuntary treatment
1040 services.—

1041 (1) A petition for involuntary treatment services must
1042 contain the name of the respondent; the name of the petitioner
1043 or petitioners; the relationship between the respondent and the
1044 petitioner; the name of the respondent's attorney, if known; ~~the~~
1045 ~~findings and recommendations of the assessment performed by the~~
1046 ~~qualified professional;~~ and the factual allegations presented by
1047 the petitioner establishing the need for involuntary ~~outpatient~~
1048 services for substance abuse impairment. The factual allegations
1049 must demonstrate the reason for the petitioner's belief that the
1050 respondent:

1051 ~~(1) The reason for the petitioner's belief that the~~
1052 ~~respondent is substance abuse impaired;~~

1053 (a)(2) ~~The reason for the petitioner's belief that because~~
1054 ~~of such impairment the respondent~~ Has lost the power of self-



745770

1055 control with respect to substance abuse, or has a history of
1056 noncompliance with substance abuse treatment with continued
1057 substance use; and

1058 (b) Needs substance abuse services, but his or her judgment
1059 is so impaired by substance abuse that he or she either is
1060 refusing voluntary care after a sufficient and conscientious
1061 explanation and disclosure of the purpose of such services, or
1062 is incapable of appreciating his or her need for such services
1063 and of making a rational decision in that regard; and

1064 (c)1. Without services, is likely to suffer from neglect or
1065 refuse to care for himself or herself; that the neglect or
1066 refusal poses a real and present threat of substantial harm to
1067 his or her well-being; and that it is not apparent that the harm
1068 may be avoided through the help of willing, able, and
1069 responsible family members or friends or the provision of other
1070 services; or

1071 2. There is a substantial likelihood that in the near
1072 future and without services, the respondent will inflict serious
1073 harm to self or others, as evidenced by acts, omissions, or
1074 behavior causing, attempting, or threatening such harm, which
1075 includes, but is not limited to, significant property damage

1076 ~~(3) (a) The reason the petitioner believes that the~~
1077 ~~respondent has inflicted or is likely to inflict physical harm~~
1078 ~~on himself or herself or others unless the court orders the~~
1079 ~~involuntary services; or~~

1080 ~~(b) The reason the petitioner believes that the~~
1081 ~~respondent's refusal to voluntarily receive care is based on~~
1082 ~~judgment so impaired by reason of substance abuse that the~~
1083 ~~respondent is incapable of appreciating his or her need for care~~



745770

1084 ~~and of making a rational decision regarding that need for care.~~

1085 (2) The petition may be accompanied by a certificate or
1086 report of a qualified professional or a licensed physician who
1087 has examined the respondent within 30 days before the petition's
1088 submission. This certificate or report must include the
1089 qualified professional or physician's findings relating to his
1090 or her assessment of the patient and his or her treatment
1091 recommendations. If the respondent was not assessed before the
1092 filing of a treatment petition or refused to submit to an
1093 evaluation, the lack of assessment or refusal must be noted in
1094 the petition.

1095 (3) If there is an emergency, the petition must also
1096 describe the respondent's exigent circumstances and include a
1097 request for an ex parte assessment and stabilization order that
1098 must be executed pursuant to s. 397.6955(4).

1099 Section 33. Section 397.6955, Florida Statutes, is amended
1100 to read:

1101 397.6955 Duties of court upon filing of petition for
1102 involuntary treatment services.-

1103 (1) Upon the filing of a petition for involuntary treatment
1104 services for a substance abuse impaired person with the clerk of
1105 the court that does not indicate the petitioner has retained
1106 private counsel, the clerk must notify the state attorney's
1107 office. In addition, the court shall immediately determine
1108 whether the respondent is represented by an attorney or whether
1109 the appointment of counsel for the respondent is appropriate.
1110 If, based on the contents of the petition, the court appoints
1111 counsel for the person, the clerk of the court shall immediately
1112 notify the office of criminal conflict and civil regional



745770

1113 counsel, created pursuant to s. 27.511, of the appointment. The
1114 office of criminal conflict and civil regional counsel shall
1115 represent the person until the petition is dismissed, the court
1116 order expires, or the person is discharged from involuntary
1117 treatment services. An attorney that represents the person named
1118 in the petition shall have access to the person, witnesses, and
1119 records relevant to the presentation of the person's case and
1120 shall represent the interests of the person, regardless of the
1121 source of payment to the attorney.

1122 (2) The court shall schedule a hearing to be held on the
1123 petition within 10 court working 5 days unless a continuance is
1124 granted. The court may appoint a magistrate to preside at the
1125 hearing.

1126 (3) A copy of the petition and notice of the hearing must
1127 be provided to the respondent; the respondent's parent,
1128 guardian, or legal custodian, in the case of a minor; the
1129 respondent's attorney, if known; the petitioner; the
1130 respondent's spouse or guardian, if applicable; and such other
1131 persons as the court may direct. If the respondent is a minor, a
1132 copy of the petition and notice of the hearing must be
1133 personally delivered to the respondent. The court shall also
1134 issue a summons to the person whose admission is sought.

1135 (4) (a) When the petitioner asserts that emergency
1136 circumstances exist, or when upon review of the petition the
1137 court determines that an emergency exists, the court may rely
1138 solely on the contents of the petition and, without the
1139 appointment of an attorney, enter an ex parte order for the
1140 respondent's involuntary assessment and stabilization which must
1141 be executed during the period that the hearing on the petition



745770

1142 for treatment is pending. The court may further order a law
1143 enforcement officer or other designated agent of the court to:
1144 1. Take the respondent into custody and deliver him or her
1145 to the nearest appropriate licensed service provider to be
1146 evaluated; and
1147 2. Serve the respondent with the notice of hearing and a
1148 copy of the petition.
1149 (b) The service provider must promptly inform the court and
1150 parties of the respondent's arrival and may not hold the
1151 respondent for longer than 72 hours of observation thereafter,
1152 unless:
1153 1. The service provider seeks additional time under s.
1154 397.6957(1)(c) and the court, after a hearing, grants that
1155 motion;
1156 2. The respondent shows signs of withdrawal, or a need to
1157 be either detoxified or treated for a medical condition, which
1158 shall extend the amount of time the respondent may be held for
1159 observation until the issue is resolved; or
1160 3. The original or extended observation period ends on a
1161 weekend or holiday, in which case the provider may hold the
1162 respondent until the next court working day.
1163 (c) If the ex parte order was not executed by the initial
1164 hearing date, it shall be deemed void. However, should the
1165 respondent not appear at the hearing for any reason, including
1166 lack of service, and upon reviewing the petition, testimony, and
1167 evidence presented, the court reasonably believes the respondent
1168 meets this chapter's commitment criteria and that a substance
1169 abuse emergency exists, the court may issue or reissue an ex
1170 parte assessment and stabilization order that is valid for 90



745770

1171 days. If the respondent's location is known at the time of the
1172 hearing, the court:

1173 1. Shall continue the case for no more than 10 court
1174 working days; and

1175 2. May order a law enforcement officer or other designated
1176 agent of the court to:

1177 a. Take the respondent into custody and deliver him or her
1178 to the nearest appropriate licensed service provider to be
1179 evaluated; and

1180 b. If a hearing date is set, serve the respondent with
1181 notice of the rescheduled hearing and a copy of the involuntary
1182 treatment petition if the respondent has not already been
1183 served.

1184
1185 Otherwise, the petitioner and the service provider must promptly
1186 inform the court that the respondent has been assessed so that
1187 the court may schedule a hearing. The service provider must
1188 serve the respondent, before his or her discharge, with the
1189 notice of hearing and a copy of the petition. However, if the
1190 respondent has not been assessed after 90 days, the court must
1191 dismiss the case.

1192 Section 34. Section 397.6957, Florida Statutes, is amended
1193 to read:

1194 397.6957 Hearing on petition for involuntary treatment
1195 services.-

1196 (1) (a) The respondent must be present at a hearing on a
1197 petition for involuntary treatment services unless he or she
1198 knowingly, intelligently, and voluntarily waives his or her
1199 right to be present or, upon receiving proof of service and



745770

1200 evaluating the circumstances of the case, the court finds that
1201 his or her presence is inconsistent with his or her best
1202 interests or is likely to be injurious to himself or herself or
1203 others. ~~The court shall hear and review all relevant evidence,~~
1204 including testimony from individuals such as family members
1205 familiar with the respondent's prior history and how it relates
1206 to his or her current condition, and the ~~review of~~ results of
1207 the assessment completed by the qualified professional in
1208 connection with this chapter. The court may also order drug
1209 tests. Absent a showing of good cause, such as specific symptoms
1210 of the respondent's condition, the court may permit all
1211 witnesses, such as any medical professionals or personnel who
1212 are or have been involved with the respondent's treatment, to
1213 remotely attend and testify at the hearing under oath via the
1214 most appropriate and convenient technological method of
1215 communication available to the court, including, but not limited
1216 to, teleconference. Any witness intending to remotely attend and
1217 testify at the hearing must provide the parties with all
1218 relevant documents in advance of the hearing ~~the respondent's~~
1219 ~~protective custody, emergency admission, involuntary assessment,~~
1220 ~~or alternative involuntary admission. The respondent must be~~
1221 ~~present unless the court finds that his or her presence is~~
1222 ~~likely to be injurious to himself or herself or others, in which~~
1223 ~~event the court must appoint a guardian advocate to act in~~
1224 ~~behalf of the respondent throughout the proceedings.~~

1225 (b) A respondent cannot be involuntarily ordered into
1226 treatment under this chapter without a clinical assessment being
1227 performed unless he or she is present in court and expressly
1228 waives the assessment. In nonemergency situations, if the



745770

1229 respondent was not, or had previously refused to be, assessed by
1230 a qualified professional and, based on the petition, testimony,
1231 and evidence presented, it reasonably appears that the
1232 respondent qualifies for involuntary treatment services, the
1233 court shall issue an involuntary assessment and stabilization
1234 order to determine the appropriate level of treatment the
1235 respondent requires. Additionally, in cases where an assessment
1236 was attached to the petition, the respondent may request, or the
1237 court on its own motion may order, an independent assessment by
1238 a court-appointed physician or an otherwise agreed-upon
1239 physician. If an assessment order is issued, it is valid for 90
1240 days, and if the respondent is present or there is either proof
1241 of service or his or her location is known, the involuntary
1242 treatment hearing shall be continued for no more than 10 court
1243 working days. Otherwise, the petitioner and the service provider
1244 must promptly inform the court that the respondent has been
1245 assessed so that the court may schedule a hearing. The service
1246 provider shall then serve the respondent, before his or her
1247 discharge, with the notice of hearing and a copy of the
1248 petition. The assessment must occur before the new hearing date,
1249 and if there is evidence indicating that the respondent will not
1250 voluntarily appear at the forthcoming hearing, or is a danger to
1251 self or others, the court may enter a preliminary order
1252 committing the respondent to an appropriate treatment facility
1253 for further evaluation until the date of the rescheduled
1254 hearing. However, if after 90 days the respondent remains
1255 unassessed, the court shall dismiss the case.

1256 (c)1. The respondent's assessment by a qualified
1257 professional must occur within 72 hours after his or her arrival



745770

1258 at a licensed service provider unless he or she shows signs of
1259 withdrawal or a need to be either detoxified or treated for a
1260 medical condition, which shall extend the amount of time the
1261 respondent may be held for observation until that issue is
1262 resolved. If the person conducting the assessment is not a
1263 licensed physician, the assessment must be reviewed by a
1264 licensed physician within the 72-hour period. If the respondent
1265 is a minor, such assessment must be initiated within the first
1266 12 hours after the minor's admission to the facility. The
1267 service provider may also move to extend the 72 hours of
1268 observation by petitioning the court in writing for additional
1269 time. The service provider must furnish copies of such motion to
1270 all parties in accordance with applicable confidentiality
1271 requirements and, after a hearing, the court may grant
1272 additional time or expedite the respondent's involuntary
1273 treatment hearing. The involuntary treatment hearing, however,
1274 may only be expedited by agreement of the parties on the hearing
1275 date, or if there is notice and proof of service as provided in
1276 s. 397.6955 (1) and (3). If the court grants the service
1277 provider's petition, the service provider may hold the
1278 respondent until its extended assessment period expires or until
1279 the expedited hearing date. However, if the original or extended
1280 observation period ends on a weekend or holiday, the provider
1281 may hold the respondent until the next court working day.

1282 2. Upon the completion of his or her report, the qualified
1283 professional, in accordance with applicable confidentiality
1284 requirements, shall provide copies to the court and all relevant
1285 parties and counsel. This report must contain a recommendation
1286 on the level, if any, of substance abuse and, if applicable, co-



745770

1287 occurring mental health treatment the respondent requires. The
1288 qualified professional's failure to include a treatment
1289 recommendation, much like a recommendation of no treatment,
1290 shall result in the petition's dismissal.

1291 (d) The court may order a law enforcement officer or other
1292 designated agent of the court to take the respondent into
1293 custody and transport him or her to or from the treating or
1294 assessing service provider and the court for his or her hearing.

1295 (2) The petitioner has the burden of proving by clear and
1296 convincing evidence that:

1297 (a) The respondent is substance abuse impaired, has lost
1298 the power of self-control with respect to substance abuse, or
1299 ~~and~~ has a history of lack of compliance with treatment for
1300 substance abuse with continued substance use; and

1301 (b) Because of such impairment, the respondent is unlikely
1302 to voluntarily participate in the recommended services after
1303 sufficient and conscientious explanation and disclosure of their
1304 purpose, or is unable to determine for himself or herself
1305 whether services are necessary and make a rational decision in
1306 that regard; and

1307 (c)1. Without services, the respondent is likely to suffer
1308 from neglect or refuse to care for himself or herself; that such
1309 neglect or refusal poses a real and present threat of
1310 substantial harm to his or her well-being; and that it is not
1311 apparent that such harm may be avoided through the help of
1312 willing, able, and responsible family members or friends or the
1313 provision of other services; or

1314 2. There is a substantial likelihood that in the near
1315 future and without services, the respondent will inflict serious



745770

1316 harm to self or others, as evidenced by acts, omissions, or
1317 behavior causing, attempting, or threatening such harm, which
1318 includes, but is not limited to, significant property damage
1319 ~~cause serious bodily harm to himself, herself, or another in the~~
1320 ~~near future, as evidenced by recent behavior; or~~

1321 ~~2. The respondent's refusal to voluntarily receive care is~~
1322 ~~based on judgment so impaired by reason of substance abuse that~~
1323 ~~the respondent is incapable of appreciating his or her need for~~
1324 ~~care and of making a rational decision regarding that need for~~
1325 ~~care.~~

1326 ~~(3) One of the qualified professionals who executed the~~
1327 ~~involuntary services certificate must be a witness. The court~~
1328 ~~shall allow testimony from individuals, including family~~
1329 ~~members, deemed by the court to be relevant under state law,~~
1330 ~~regarding the respondent's prior history and how that prior~~
1331 ~~history relates to the person's current condition. The Testimony~~
1332 ~~in the hearing must be taken under oath, and the proceedings~~
1333 ~~must be recorded. The respondent patient may refuse to testify~~
1334 ~~at the hearing.~~

1335 (4) If at any point during the hearing the court has reason
1336 to believe that the respondent, due to mental illness other than
1337 or in addition to substance abuse impairment, is likely to
1338 injure himself or herself or another if allowed to remain at
1339 liberty, or otherwise meets the involuntary commitment
1340 provisions of part I of chapter 394, the court may initiate
1341 involuntary proceedings under such provisions.

1342 (5)~~(4)~~ At the conclusion of the hearing, the court shall
1343 either dismiss the petition or order the respondent to receive
1344 involuntary treatment services from his or her chosen licensed



745770

1345 service provider if possible and appropriate. Any treatment
1346 order must include findings regarding the respondent's need for
1347 treatment and the appropriateness of other lesser restrictive
1348 alternatives.

1349 Section 35. Section 397.697, Florida Statutes, is amended
1350 to read:

1351 397.697 Court determination; effect of court order for
1352 involuntary treatment services.—

1353 (1) (a) When the court finds that the conditions for
1354 involuntary treatment services have been proved by clear and
1355 convincing evidence, it may order the respondent to receive
1356 involuntary treatment services from a publicly funded licensed
1357 service provider for a period not to exceed 90 days. The court
1358 may also order a respondent to undergo treatment through a
1359 privately funded licensed service provider if the respondent has
1360 the ability to pay for the treatment, or if any person on the
1361 respondent's behalf voluntarily demonstrates a willingness and
1362 an ability to pay for the treatment. If the court finds it
1363 necessary, it may direct the sheriff to take the respondent into
1364 custody and deliver him or her to the licensed service provider
1365 specified in the court order, or to the nearest appropriate
1366 licensed service provider, for involuntary treatment services.
1367 When the conditions justifying involuntary treatment services no
1368 longer exist, the individual must be released as provided in s.
1369 397.6971. When the conditions justifying involuntary treatment
1370 services are expected to exist after 90 days of treatment
1371 services, a renewal of the involuntary treatment services order
1372 may be requested pursuant to s. 397.6975 before the end of the
1373 90-day period.



745770

1374 (b) To qualify for involuntary outpatient treatment, an
1375 individual must be supported by a social worker or case manager
1376 of a licensed service provider or a willing, able, and
1377 responsible individual appointed by the court who shall inform
1378 the court and parties if the respondent fails to comply with his
1379 or her outpatient program. In addition, unless the respondent
1380 has been involuntarily ordered into inpatient treatment under
1381 this chapter at least twice during the last 36 months, or
1382 demonstrates the ability to substantially comply with the
1383 outpatient treatment while waiting for residential placement to
1384 become available, he or she must receive an assessment from a
1385 qualified professional or licensed physician expressly
1386 recommending outpatient services, such services must be
1387 available in the county in which the respondent is located, and
1388 it must appear likely that the respondent will follow a
1389 prescribed outpatient care plan.

1390 (2) In all cases resulting in an order for involuntary
1391 treatment services, the court shall retain jurisdiction over the
1392 case and the parties for the entry of such further orders as the
1393 circumstances may require, including, but not limited to,
1394 monitoring compliance with treatment, changing the treatment
1395 modality, or initiating contempt of court proceedings for
1396 violating any valid order issued pursuant to this chapter.
1397 Hearings under this section may be set by motion of the parties
1398 or under the court's own authority, and the motion and notice of
1399 hearing for these ancillary proceedings, which include, but are
1400 not limited to, civil contempt, must be served in accordance
1401 with relevant court procedural rules. The court's requirements
1402 for notification of proposed release must be included in the



745770

1403 original order.

1404 (3) An involuntary treatment services order also authorizes
1405 the licensed service provider to require the individual to
1406 receive treatment services that will benefit him or her,
1407 including treatment services at any licensable service component
1408 of a licensed service provider. While subject to the court's
1409 oversight, the service provider's authority under this section
1410 is separate and distinct from the court's broad continuing
1411 jurisdiction under subsection (2). Such oversight includes, but
1412 is not limited to, submitting reports regarding the respondent's
1413 progress or compliance with treatment as required by the court.

1414 (4) If the court orders involuntary treatment services, a
1415 copy of the order must be sent to the managing entity within 1
1416 working day after it is received from the court. Documents may
1417 be submitted electronically through ~~though~~ existing data
1418 systems, if applicable.

1419 Section 36. Section 397.6971, Florida Statutes, is amended
1420 to read:

1421 397.6971 Early release from involuntary treatment
1422 services.—

1423 (1) At any time before the end of the 90-day involuntary
1424 treatment services period, or before the end of any extension
1425 granted pursuant to s. 397.6975, an individual receiving
1426 involuntary treatment services may be determined eligible for
1427 discharge to the most appropriate referral or disposition for
1428 the individual when any of the following apply:

1429 (a) The individual no longer meets the criteria for
1430 involuntary admission and has given his or her informed consent
1431 to be transferred to voluntary treatment status.



745770

1432 (b) If the individual was admitted on the grounds of
1433 likelihood of infliction of ~~physical~~ harm upon himself or
1434 herself or others, such likelihood no longer exists.

1435 (c) If the individual was admitted on the grounds of need
1436 for assessment and stabilization or treatment, accompanied by
1437 inability to make a determination respecting such need:

1438 1. Such inability no longer exists; or

1439 2. It is evident that further treatment will not bring
1440 about further significant improvements in the individual's
1441 condition.

1442 (d) The individual ~~is~~ no longer needs treatment ~~in need of~~
1443 services.

1444 (e) The director of the service provider determines that
1445 the individual is beyond the safe management capabilities of the
1446 provider.

1447 (2) Whenever a qualified professional determines that an
1448 individual admitted for involuntary treatment services qualifies
1449 for early release under subsection (1), the service provider
1450 shall immediately discharge the individual and must notify all
1451 persons specified by the court in the original treatment order.

1452 Section 37. Section 397.6975, Florida Statutes, is amended
1453 to read:

1454 397.6975 Extension of involuntary treatment services
1455 period.-

1456 (1) Whenever a service provider believes that an individual
1457 who is nearing the scheduled date of his or her release from
1458 involuntary care services continues to meet the criteria for
1459 involuntary treatment services in s. 397.693 or s. 397.6957, a
1460 petition for renewal of the involuntary treatment services order



745770

1461 ~~must~~ may be filed with the court ~~at least 10 days~~ before the
1462 expiration of the court-ordered services period. The petition
1463 may be filed by the service provider or by the person who filed
1464 the petition for the initial treatment order if the petition is
1465 accompanied by supporting documentation from the service
1466 provider. The court shall ~~immediately~~ schedule a hearing within
1467 10 court working ~~to be held not more than 15~~ days after filing
1468 of the petition and. ~~The court shall~~ provide the copy of the
1469 petition for renewal and the notice of the hearing to all
1470 parties and counsel to the proceeding. The hearing is conducted
1471 pursuant to ss. 397.697 and 397.6957 and must be before the
1472 circuit court unless referred to a magistrate s. 397.6957.

1473 (2) If the court finds that the petition for renewal of ~~the~~
1474 involuntary treatment services ~~order~~ should be granted, it may
1475 order the respondent to receive involuntary treatment services
1476 for a period not to exceed an additional 90 days. When the
1477 conditions justifying involuntary treatment services no longer
1478 exist, the individual must be released as provided in s.
1479 397.6971. When the conditions justifying involuntary treatment
1480 services continue to exist after an additional 90 days of
1481 treatment service, a new petition requesting renewal of the
1482 involuntary treatment services order may be filed pursuant to
1483 this section.

1484 ~~(3) Within 1 court working day after the filing of a~~
1485 ~~petition for continued involuntary services, the court shall~~
1486 ~~appoint the office of criminal conflict and civil regional~~
1487 ~~counsel to represent the respondent, unless the respondent is~~
1488 ~~otherwise represented by counsel. The clerk of the court shall~~
1489 ~~immediately notify the office of criminal conflict and civil~~



745770

1490 ~~regional counsel of such appointment. The office of criminal~~
1491 ~~conflict and civil regional counsel shall represent the~~
1492 ~~respondent until the petition is dismissed or the court order~~
1493 ~~expires or the respondent is discharged from involuntary~~
1494 ~~services. Any attorney representing the respondent shall have~~
1495 ~~access to the respondent, witnesses, and records relevant to the~~
1496 ~~presentation of the respondent's case and shall represent the~~
1497 ~~interests of the respondent, regardless of the source of payment~~
1498 ~~to the attorney.~~

1499 ~~(4) Hearings on petitions for continued involuntary~~
1500 ~~services shall be before the circuit court. The court may~~
1501 ~~appoint a magistrate to preside at the hearing. The procedures~~
1502 ~~for obtaining an order pursuant to this section shall be in~~
1503 ~~accordance with s. 397.697.~~

1504 ~~(5) Notice of hearing shall be provided to the respondent~~
1505 ~~or his or her counsel. The respondent and the respondent's~~
1506 ~~counsel may agree to a period of continued involuntary services~~
1507 ~~without a court hearing.~~

1508 ~~(6) The same procedure shall be repeated before the~~
1509 ~~expiration of each additional period of involuntary services.~~

1510 ~~(7) If the respondent has previously been found incompetent~~
1511 ~~to consent to treatment, the court shall consider testimony and~~
1512 ~~evidence regarding the respondent's competence.~~

1513 Section 38. Section 397.6977, Florida Statutes, is amended
1514 to read:

1515 397.6977 Disposition of individual upon completion of
1516 involuntary treatment services.—At the conclusion of the 90-day
1517 period of court-ordered involuntary treatment services, the
1518 respondent is automatically discharged unless a motion for



745770

1519 renewal of the involuntary treatment services order has been
1520 filed with the court pursuant to s. 397.6975.

1521 Section 39. Section 397.6978, Florida Statutes, is
1522 repealed.

1523

1524 ===== T I T L E A M E N D M E N T =====

1525 And the title is amended as follows:

1526 Delete lines 2 - 192

1527 and insert:

1528 An act relating to mental health and substance abuse;
1529 amending s. 394.455, F.S.; conforming a cross-
1530 reference; revising the definition of the term "mental
1531 illness"; defining the terms "neglect or refuse to
1532 care for himself or herself" and "real and present
1533 threat of substantial harm"; amending s. 394.459,
1534 F.S.; requiring that respondents with a serious mental
1535 illness be informed of the essential elements of
1536 recovery and be provided assistance with accessing a
1537 continuum of care regimen; authorizing the Department
1538 of Children and Families to adopt certain rules;
1539 amending s. 394.4598, F.S.; conforming a cross-
1540 reference; amending s. 394.4599, F.S.; conforming
1541 provisions to changes made by the act; amending s.
1542 394.461, F.S.; authorizing the state to establish that
1543 a transfer evaluation was performed by providing the
1544 court with a copy of the evaluation before the close
1545 of the state's case in chief; prohibiting the court
1546 from considering substantive information in the
1547 transfer evaluation unless the evaluator testifies at



745770

1548 the hearing; amending s. 394.4615, F.S.; conforming
1549 provisions to changes made by the act; amending s.
1550 394.462, F.S.; conforming cross-references; amending
1551 s. 394.4625, F.S.; providing requirements relating to
1552 the voluntariness of admissions to a facility for
1553 examination and treatment; providing requirements for
1554 verifying the assent of a minor admitted to a
1555 facility; requiring the appointment of a public
1556 defender to review the voluntariness of a minor's
1557 admission to a facility; requiring the filing of a
1558 petition for involuntary placement or release of a
1559 minor to his or her parent or legal guardian under
1560 certain circumstances; conforming provisions to
1561 changes made by the act; amending s. 394.463, F.S.;
1562 revising the requirements for when a person may be
1563 taken to a receiving facility for involuntary
1564 examination; requiring a facility to inform the
1565 department of certain persons who have been examined
1566 or committed under certain circumstances; conforming
1567 provisions to changes made by the act; providing
1568 criminal and civil penalties; amending s. 394.4655,
1569 F.S.; revising the requirements for involuntary
1570 outpatient treatment; amending s. 394.467, F.S.;
1571 revising the requirements for when a person may be
1572 ordered for involuntary inpatient placement; revising
1573 requirements for continuances of hearings; revising
1574 the conditions under which a court may waive the
1575 requirement for a patient to be present at an
1576 involuntary inpatient placement hearing; authorizing



745770

1577 the court to permit all witnesses to remotely attend
1578 and testify at the hearing through certain means;
1579 authorizing the state attorney to access certain
1580 persons and records for certain purposes; specifying
1581 such records remain confidential; revising when the
1582 court may appoint a magistrate; revising the amount of
1583 time a court may require a patient to receive
1584 services; providing an exception to the prohibition on
1585 a court ordering certain individuals to be
1586 involuntarily placed in a state treatment facility;
1587 conforming a cross-reference; amending ss. 394.495 and
1588 394.496, F.S.; conforming cross-references; amending
1589 s. 394.499, F.S.; making technical and conforming
1590 changes; amending s. 394.9085, F.S.; conforming cross-
1591 references; amending s. 397.305, F.S.; revising the
1592 purposes of ch. 397, F.S.; amending s. 397.311, F.S.;
1593 revising the definition of the terms "impaired" and
1594 "substance abuse impaired"; defining the terms
1595 "involuntary treatment services," "neglect or refuse
1596 to care for himself or herself," and "real and present
1597 threat of substantial harm"; amending s. 397.416,
1598 F.S.; conforming a cross-reference; amending s.
1599 397.501, F.S.; requiring that respondents with serious
1600 substance abuse addictions be informed of the
1601 essential elements of recovery and provided assistance
1602 with accessing a continuum of care regimen;
1603 authorizing the department to adopt certain rules;
1604 amending s. 397.675, F.S.; revising the criteria for
1605 involuntary admissions; amending s. 397.6751, F.S.;



745770

1606 revising the responsibilities of a service provider;
1607 amending s. 397.681, F.S.; requiring that the state
1608 attorney represent the state as the real party of
1609 interest in an involuntary proceeding, subject to
1610 legislative appropriation; authorizing the state
1611 attorney to access certain persons and records;
1612 conforming provisions to changes made by the act;
1613 repealing s. 397.6811, F.S., relating to involuntary
1614 assessment and stabilization; repealing s. 397.6814,
1615 F.S., relating to petitions for involuntary assessment
1616 and stabilization; repealing s. 397.6815, F.S.,
1617 relating to involuntary assessment and stabilization
1618 procedures; repealing s. 397.6818, F.S., relating to
1619 court determinations for petitions for involuntary
1620 assessment and stabilization; repealing s. 397.6819,
1621 F.S., relating to the responsibilities of licensed
1622 service providers with regard to involuntary
1623 assessment and stabilization; repealing s. 397.6821,
1624 F.S., relating to extensions of time for completion of
1625 involuntary assessment and stabilization; repealing s.
1626 397.6822, F.S., relating to the disposition of
1627 individuals after involuntary assessments; amending s.
1628 397.693, F.S.; revising the circumstances under which
1629 a person is eligible for court-ordered involuntary
1630 treatment; amending s. 397.695, F.S.; authorizing the
1631 court or clerk of the court to waive or prohibit any
1632 service of process fees for an indigent petitioner;
1633 amending s. 397.6951, F.S.; revising the requirements
1634 for the contents of a petition for involuntary



745770

1635 treatment services; providing that a petitioner may
1636 include a certificate or report of a qualified
1637 professional with the petition; requiring the
1638 certificate or report to contain certain information;
1639 requiring that certain additional information must be
1640 included if an emergency exists; amending s. 397.6955,
1641 F.S.; requiring the clerk of the court to notify the
1642 state attorney's office upon the receipt of a petition
1643 filed for involuntary treatment services; revising
1644 when a hearing must be held on the petition; providing
1645 requirements for when a petitioner asserts that
1646 emergency circumstances exist or the court determines
1647 that an emergency exists; amending s. 397.6957, F.S.;
1648 expanding the exemption from the requirement that a
1649 respondent be present at a hearing on a petition for
1650 involuntary treatment services; authorizing the court
1651 to order drug tests and permit all witnesses to
1652 remotely attend and testify at the hearing through
1653 certain means; deleting a provision requiring the
1654 court to appoint a guardian advocate under certain
1655 circumstances; prohibiting a respondent from being
1656 involuntarily ordered into treatment unless certain
1657 requirements are met; providing requirements relating
1658 to involuntary assessment and stabilization orders;
1659 providing requirements relating to involuntary
1660 treatment hearings; requiring that the assessment of a
1661 respondent occur before a specified time unless
1662 certain requirements are met; requiring the service
1663 provider to discharge the respondent after a specified



745770

1664 time unless certain requirements are met; requiring a
1665 qualified professional to provide copies of his or her
1666 report to the court and all relevant parties and
1667 counsel; providing requirements for the report;
1668 authorizing certain entities to take specified actions
1669 based upon the involuntary assessment; authorizing a
1670 court to order certain persons to take a respondent
1671 into custody and transport him or her to or from
1672 certain service providers and the court; revising the
1673 petitioner's burden of proof in the hearing;
1674 authorizing the court to initiate involuntary
1675 proceedings under certain circumstances; requiring
1676 that, if a treatment order is issued, it must include
1677 certain findings; amending s. 397.697, F.S.; requiring
1678 that an individual meet certain requirements to
1679 qualify for involuntary outpatient treatment;
1680 specifying that certain hearings may be set by the
1681 motion of a party or under the court's own authority;
1682 specifying that a service provider's authority is
1683 separate and distinct from the court's jurisdiction;
1684 amending s. 397.6971, F.S.; conforming provisions to
1685 changes made by the act; amending s. 397.6975, F.S.;
1686 authorizing certain entities to file a petition for
1687 renewal of involuntary treatment; revising the
1688 timeframe during which the court is required to
1689 schedule a hearing; conforming provisions to changes
1690 made by the act; amending s. 397.6977, F.S.;
1691 conforming provisions to changes made by the act;
1692 repealing s. 397.6978, F.S., relating to the



745770

1693
1694

appointment of guardian advocates; amending ss.
409.972, 464.012,