

**By** Senator Berman

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1                   A bill to be entitled

2                   An act relating to outpatient mental health services;  
3                   amending s. 394.455, F.S.; revising and providing  
4                   definitions; amending s. 394.4655, F.S.; authorizing a  
5                   court to order a respondent into outpatient treatment  
6                   for a specified amount of time under certain  
7                   circumstances; providing criteria for involuntary  
8                   outpatient treatment; requiring monitoring of the  
9                   respondent for the duration of his or her treatment;  
10                  requiring the court to retain jurisdiction over the  
11                  case and parties under certain circumstances;  
12                  authorizing a certain court exercising original  
13                  jurisdiction to order certain respondents into  
14                  involuntary outpatient services; prohibiting such  
15                  court from using incarceration as a sanction for  
16                  noncompliance with the outpatient treatment plan;  
17                  amending s. 394.467, F.S.; revising criteria for  
18                  involuntary inpatient placement; amending ss.  
19                  394.4599, 394.4615, 394.463, 394.467, 394.495,  
20                  394.496, 394.9085, 409.972, 464.012, 744.2007, and  
21                  790.065, F.S.; conforming provisions and cross-  
22                  references to changes made by the act; providing an  
23                  effective date.

24  
25                  Be It Enacted by the Legislature of the State of Florida:

26  
27                  Section 1. Subsections (32) through (39) and (40) through  
28                  (50) of section 394.455, Florida Statutes, are redesignated as  
29                  subsections (33) through (40) and (42) through (52),

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30 respectively, subsection (23) is amended, and new subsections  
31 (32) and (41) are added to that section, to read:

32       394.455 Definitions.—As used in this part, the term:

33       (23) "Involuntary examination" means an examination  
34 performed under s. 394.463, s. 397.6772, s. 397.679, s.  
35 397.6798, or s. 397.6957 ~~s. 397.6811~~ to determine whether a  
36 person qualifies for involuntary services.

37       (32) "Neglect or refuse to care for himself or herself"  
38 means a refusal to accept treatment and includes, but is not  
39 limited to, evidence that a person:

40       (a) Is, for a reason other than indigence, unable to  
41 satisfy basic needs for nourishment, clothing, medical care,  
42 shelter, or safety, thereby creating a substantial probability  
43 of imminent death, serious physical debilitation, or disease; or

44       (b) Is substantially unable to make an informed treatment  
45 choice, after an explanation of the advantages and disadvantages  
46 of, and alternatives to, treatment, and needs care or treatment  
47 to prevent deterioration. However, the following do not  
48 constitute a refusal to accept treatment:

49       1. A willingness to take medication appropriate for the  
50 person's condition, but a reasonable disagreement about type or  
51 dosage;

52       2. A good faith effort to follow a reasonable treatment  
53 plan;

54       3. An inability to obtain access to appropriate treatment  
55 because of inadequate health care coverage or an insurer's  
56 refusal or delay in providing coverage for treatment; or

57       4. An inability to obtain access to needed services because  
58 the provider has no available treatment beds or qualified

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59 professionals, the provider only accepts patients under court  
60 order, or the provider gives persons under court order priority  
61 over voluntary patients in obtaining treatment and services.

62 (41) "Real and present threat of substantial harm"  
63 includes, but is not limited to, evidence of a substantial  
64 probability that the untreated person will:

65 (a) Lack, refuse, or not receive services for health and  
66 safety which are actually available in the community; or

67 (b) Suffer severe mental, emotional, or physical harm that  
68 will result in the loss of his or her ability to function in the  
69 community or in the loss of cognitive or volitional control over  
70 his or her thoughts or actions.

71       Section 2. Section 394.4655, Florida Statutes, is amended  
72 to read:

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

75       394.4655 Involuntary outpatient services.—

76       (1) (a) A court may order a respondent into outpatient  
77 treatment for up to 6 months if, during the initial hearing  
78 under s. 394.467 or a subsequent hearing before a respondent's  
79 anticipated discharge from inpatient placement, at the request  
80 of the facility, and providing at least 1 week's notice to the  
81 court and the parties of its belief that the respondent would  
82 benefit from involuntary outpatient services, it is established  
83 that the respondent meets the involuntary placement criteria and  
84 all of the following:

85       1. The respondent has been incarcerated, has been  
86 involuntarily admitted to a receiving facility or treatment  
87 facility as defined in s. 394.455, or has received mental health

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88       services in a forensic or correctional facility at least twice  
89       during the previous 36 months.

90       2. The outpatient treatment is provided and available in  
91       the county in which the respondent resides or will reside if he  
92       or she is being placed from a state treatment facility.

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

- 95       a. May be appropriately treated on an outpatient basis.
- 96       b. Is able to follow and benefit from the prescribed  
97       treatment plan.

98       (b) For the duration of his or her treatment, the  
99       respondent must be monitored by a social worker or case manager  
100       of the outpatient treatment provider, or a willing, able, and  
101       responsible individual appointed by the court who must inform  
102       the court, state attorney, and respondent's counsel of any  
103       failure by the respondent to comply with his or her outpatient  
104       program.

105       (2) The court shall, if required, retain jurisdiction over  
106       the case and parties for the entry of further orders after a  
107       hearing. Such jurisdiction includes, but is not limited to,  
108       ordering inpatient treatment to stabilize a respondent who  
109       decompensates while under court-ordered treatment and meets the  
110       commitment criteria of s. 394.467(1), and extending, modifying,  
111       or ending outpatient services. For a court to extend, modify, or  
112       end outpatient services, the appropriate motion must be filed  
113       with the court before the operating order expires, and the court  
114       shall schedule a hearing as soon as practicable to determine  
115       whether the respondent still meets the commitment criteria and  
116       assess the appropriateness of any treatment modification.

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117        (3) A criminal county court exercising its original  
118        jurisdiction in a misdemeanor case under s. 34.01 may order into  
119        involuntary outpatient services a respondent who meets the  
120        commitment criteria. The court may not use incarceration as a  
121        sanction for noncompliance with the outpatient treatment plan,  
122        but it may order an evaluation for possible inpatient placement  
123        if there is significant, or multiple instances of,  
124        noncompliance.

125        Section 3. Paragraph (a) of subsection (1) of section  
126        394.467, Florida Statutes, is amended to read:

127        394.467 Involuntary inpatient placement.—

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

131        (a) He or she has a mental illness and because of his or  
132        her mental illness:

133        1.a. He or she has refused voluntary inpatient placement  
134        for treatment after sufficient and conscientious explanation and  
135        disclosure of the purpose of inpatient placement for treatment;  
136        or

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

139        2.a. He or she is incapable of surviving alone or with the  
140        help of willing and responsible family or friends, including  
141        available alternative services, and, without treatment, is  
142        likely to suffer from neglect or refuse to care for himself or  
143        herself, and such neglect or refusal poses a real and present  
144        threat of substantial harm to his or her well-being; or

145        b. There is substantial likelihood that in the near future,

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146       and without services, he or she will inflict serious ~~bodily~~ harm  
147       to ~~on~~ self or others, as evidenced by recent acts, omissions, or  
148       behavior causing, attempting, or threatening such harm,  
149       including, but not limited to, significant property damage; and

150              Section 4. Paragraph (d) of subsection (2) of section  
151       394.4599, Florida Statutes, is amended to read:

152              394.4599 Notice.—

153              (2) INVOLUNTARY ADMISSION.—

154              (d) The written notice of the filing of the petition for  
155       involuntary services for an individual being held must contain  
156       the following:

157              1. Notice that the petition for:

158              a. Involuntary inpatient treatment pursuant to s. 394.467  
159       has been filed with the circuit court in the county in which the  
160       individual is hospitalized and the address of such court; or

161              b. Involuntary outpatient services pursuant to s. 394.4655  
162       has been filed with the criminal county court, as provided under  
163       s. 394.4655 defined in s. 394.4655(1), or the circuit court, as  
164       applicable, in the county in which the individual is  
165       hospitalized and the address of such court.

166              2. Notice that the office of the public defender has been  
167       appointed to represent the individual in the proceeding, if the  
168       individual is not otherwise represented by counsel.

169              3. The date, time, and place of the hearing and the name of  
170       each examining expert and every other person expected to testify  
171       in support of continued detention.

172              4. Notice that the individual, the individual's guardian,  
173       guardian advocate, health care surrogate or proxy, or  
174       representative, or the administrator may apply for a change of

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175       venue for the convenience of the parties or witnesses or because  
176       of the condition of the individual.

177       5. Notice that the individual is entitled to an independent  
178       expert examination and, if the individual cannot afford such an  
179       examination, that the court will provide for one.

180       Section 5. Subsection (3) of section 394.4615, Florida  
181       Statutes, is amended to read:

182           394.4615 Clinical records; confidentiality.—

183       (3) Information from the clinical record may be released in  
184       the following circumstances:

185       (a) When a patient has communicated to a service provider a  
186       specific threat to cause serious bodily injury or death to an  
187       identified or a readily available person, if the service  
188       provider reasonably believes, or should reasonably believe  
189       according to the standards of his or her profession, that the  
190       patient has the apparent intent and ability to imminently or  
191       immediately carry out such threat. When such communication has  
192       been made, the administrator may authorize the release of  
193       sufficient information to provide adequate warning to the person  
194       threatened with harm by the patient.

195       (b) When the administrator of the facility or secretary of  
196       the department deems release to a qualified researcher as  
197       defined in administrative rule, an aftercare treatment provider,  
198       or an employee or agent of the department is necessary for  
199       treatment of the patient, maintenance of adequate records,  
200       compilation of treatment data, aftercare planning, or evaluation  
201       of programs.

202  
203       For the purpose of determining whether a person meets the

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204 criteria for involuntary outpatient placement or for preparing  
205 the proposed treatment plan pursuant to s. 394.4655, the  
206 clinical record may be released to the state attorney, the  
207 public defender or the patient's private legal counsel, the  
208 court, and to the appropriate mental health professionals,  
209 ~~including the service provider identified in s.~~  
210 ~~394.4655(7)(b)2.~~, in accordance with state and federal law.

211 Section 6. Paragraph (g) of subsection (2) of section  
212 394.463, Florida Statutes, is amended to read:

213 394.463 Involuntary examination.—

214 (2) INVOLUNTARY EXAMINATION.—

215 (g) The examination period must be for up to 72 hours. For  
216 a minor, the examination shall be initiated within 12 hours  
217 after the patient's arrival at the facility. Within the  
218 examination period, one of the following actions must be taken,  
219 based on the individual needs of the patient:

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

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

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

229 4. A petition for involuntary services shall be filed in  
230 the circuit court if inpatient treatment is deemed necessary or  
231 with the criminal county court, ~~as defined in s. 394.4655(1)~~, as  
232 applicable. When inpatient treatment is deemed necessary, the

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233 least restrictive treatment consistent with the optimum  
234 improvement of the patient's condition shall be made available.  
235 ~~When a petition is to be filed for involuntary outpatient~~  
236 ~~placement, it shall be filed by one of the petitioners specified~~  
237 ~~in s. 394.4655(4)(a).~~ A petition for involuntary inpatient  
238 placement shall be filed by the facility administrator. If a  
239 patient's 72-hour examination period ends on a weekend or  
240 holiday, and the receiving facility:

241 a. Intends to file a petition for involuntary services,  
242 such patient may be held at a receiving facility through the  
243 next working day thereafter and such petition for involuntary  
244 services must be filed no later than such date. If the receiving  
245 facility fails to file a petition for involuntary services at  
246 the close of the next working day, the patient shall be released  
247 from the receiving facility following approval pursuant to  
248 paragraph (f).

249 b. Does not intend to file a petition for involuntary  
250 services, a receiving facility may postpone release of a patient  
251 until the next working day thereafter only if a qualified  
252 professional documents that adequate discharge planning and  
253 procedures in accordance with s. 394.468, and approval pursuant  
254 to paragraph (f), are not possible until the next working day.

255 Section 7. Paragraph (c) of subsection (6) of section  
256 394.467, Florida Statutes, is amended to read:

257 394.467 Involuntary inpatient placement.—

258 (6) HEARING ON INVOLUNTARY INPATIENT PLACEMENT.—

259 (c) If at any time before the conclusion of the hearing on  
260 involuntary inpatient placement it appears to the court that the  
261 person does not meet the criteria for involuntary inpatient

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placement under this section, but instead meets the criteria for involuntary outpatient services, the court may order the person evaluated for involuntary outpatient services pursuant to s. 394.4655. ~~The petition and hearing procedures set forth in s. 394.4655 shall apply.~~ If the person instead meets the criteria for involuntary assessment, protective custody, or involuntary admission pursuant to s. 397.675, then the court may order the person to be admitted for involuntary assessment for a period of 5 days pursuant to s. 397.6811. Thereafter, all proceedings are governed by chapter 397.

Section 8. Paragraphs (a) and (c) of subsection (3) of section 394.495, Florida Statutes, are amended to read:

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

(3) Assessments must be performed by:

(a) A professional as defined in s. 394.455(5), (7), (34) ~~(33)~~, (37) ~~(36)~~, or (38) ~~(37)~~;

(c) A person who is under the direct supervision of a qualified professional as defined in s. 394.455(5), (7), (34) ~~(33)~~, (37) ~~(36)~~, or (38) ~~(37)~~ or a professional licensed under chapter 491.

Section 9. Subsection (5) of section 394.496, Florida Statutes, is amended to read:

394.496 Service planning.—

(5) A professional as defined in s. 394.455(5), (7), (34) ~~(33)~~, (37) ~~(36)~~, or (38) ~~(37)~~ or a professional licensed under chapter 491 must be included among those persons developing the services plan.

Section 10. Subsection (6) of section 394.9085, Florida

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291 Statutes, is amended to read:

292 394.9085 Behavioral provider liability.—

293 (6) For purposes of this section, the terms "detoxification  
294 services," "addictions receiving facility," and "receiving  
295 facility" have the same meanings as those provided in ss.  
296 397.311(26)(a)3., 397.311(26)(a)1., and 394.455 ~~394.455(40)~~,  
297 respectively.

298 Section 11. Paragraph (b) of subsection (1) of section  
299 409.972, Florida Statutes, is amended to read:

300 409.972 Mandatory and voluntary enrollment.—

301 (1) The following Medicaid-eligible persons are exempt from  
302 mandatory managed care enrollment required by s. 409.965, and  
303 may voluntarily choose to participate in the managed medical  
304 assistance program:

305 (b) Medicaid recipients residing in residential commitment  
306 facilities operated through the Department of Juvenile Justice  
307 or a treatment facility as defined in s. 394.455 ~~s. 394.455(49)~~.

308 Section 12. Paragraph (e) of subsection (4) of section  
309 464.012, Florida Statutes, is amended to read:

310 464.012 Licensure of advanced practice registered nurses;  
311 fees; controlled substance prescribing.—

312 (4) In addition to the general functions specified in  
313 subsection (3), an advanced practice registered nurse may  
314 perform the following acts within his or her specialty:

315 (e) A psychiatric nurse, who meets the requirements in s.  
316 394.455 ~~s. 394.455(36)~~, within the framework of an established  
317 protocol with a psychiatrist, may prescribe psychotropic  
318 controlled substances for the treatment of mental disorders.

319 Section 13. Subsection (7) of section 744.2007, Florida

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320 Statutes, is amended to read:

321 744.2007 Powers and duties.—

322 (7) A public guardian may not commit a ward to a treatment  
323 facility, as defined in s. 394.455 ~~s. 394.455(49)~~, without an  
324 involuntary placement proceeding as provided by law.

325 Section 14. Paragraph (a) of subsection (2) of section  
326 790.065, Florida Statutes, is amended to read:

327 790.065 Sale and delivery of firearms.—

328 (2) Upon receipt of a request for a criminal history record  
329 check, the Department of Law Enforcement shall, during the  
330 licensee's call or by return call, forthwith:

331 (a) Review any records available to determine if the  
332 potential buyer or transferee:

333 1. Has been convicted of a felony and is prohibited from  
334 receipt or possession of a firearm pursuant to s. 790.23;

335 2. Has been convicted of a misdemeanor crime of domestic  
336 violence, and therefore is prohibited from purchasing a firearm;

337 3. Has had adjudication of guilt withheld or imposition of  
338 sentence suspended on any felony or misdemeanor crime of  
339 domestic violence unless 3 years have elapsed since probation or  
340 any other conditions set by the court have been fulfilled or  
341 expunction has occurred; or

342 4. Has been adjudicated mentally defective or has been  
343 committed to a mental institution by a court or as provided in  
344 sub-sub subparagraph b.(II), and as a result is prohibited by  
345 state or federal law from purchasing a firearm.

346 a. As used in this subparagraph, "adjudicated mentally  
347 defective" means a determination by a court that a person, as a  
348 result of marked subnormal intelligence, or mental illness,

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349 incompetency, condition, or disease, is a danger to himself or  
350 herself or to others or lacks the mental capacity to contract or  
351 manage his or her own affairs. The phrase includes a judicial  
352 finding of incapacity under s. 744.331(6)(a), an acquittal by  
353 reason of insanity of a person charged with a criminal offense,  
354 and a judicial finding that a criminal defendant is not  
355 competent to stand trial.

356 b. As used in this subparagraph, "committed to a mental  
357 institution" means:

358 (I) Involuntary commitment, commitment for mental  
359 defectiveness or mental illness, and commitment for substance  
360 abuse. The phrase includes involuntary inpatient placement as  
361 defined in s. 394.467, involuntary outpatient placement as  
362 described ~~defined~~ in s. 394.4655, involuntary assessment and  
363 stabilization under s. 397.6818, and involuntary substance abuse  
364 treatment under s. 397.6957, but does not include a person in a  
365 mental institution for observation or discharged from a mental  
366 institution based upon the initial review by the physician or a  
367 voluntary admission to a mental institution; or

368 (II) Notwithstanding sub-sub-subparagraph (I), voluntary  
369 admission to a mental institution for outpatient or inpatient  
370 treatment of a person who had an involuntary examination under  
371 s. 394.463, where each of the following conditions have been  
372 met:

373 (A) An examining physician found that the person is an  
374 imminent danger to himself or herself or others.

375 (B) The examining physician certified that if the person  
376 did not agree to voluntary treatment, a petition for involuntary  
377 outpatient or inpatient treatment would have been filed under s.

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378       394.463(2)(g)4., or the examining physician certified that a  
379       petition was filed and the person subsequently agreed to  
380       voluntary treatment prior to a court hearing on the petition.

381           (C) Before agreeing to voluntary treatment, the person  
382       received written notice of that finding and certification, and  
383       written notice that as a result of such finding, he or she may  
384       be prohibited from purchasing a firearm, and may not be eligible  
385       to apply for or retain a concealed weapon or firearms license  
386       under s. 790.06 and the person acknowledged such notice in  
387       writing, in substantially the following form:

388        "I understand that the doctor who examined me believes I am a  
389       danger to myself or to others. I understand that if I do not  
390       agree to voluntary treatment, a petition will be filed in court  
391       to require me to receive involuntary treatment. I understand  
392       that if that petition is filed, I have the right to contest it.  
393       In the event a petition has been filed, I understand that I can  
394       subsequently agree to voluntary treatment prior to a court  
395       hearing. I understand that by agreeing to voluntary treatment in  
396       either of these situations, I may be prohibited from buying  
397       firearms and from applying for or retaining a concealed weapons  
398       or firearms license until I apply for and receive relief from  
399       that restriction under Florida law."

400           (D) A judge or a magistrate has, pursuant to sub-sub-  
401       subparagraph c.(II), reviewed the record of the finding,  
402       certification, notice, and written acknowledgment classifying  
403       the person as an imminent danger to himself or herself or  
404       others, and ordered that such record be submitted to the  
405       department.

406           c. In order to check for these conditions, the department

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407 shall compile and maintain an automated database of persons who  
408 are prohibited from purchasing a firearm based on court records  
409 of adjudications of mental defectiveness or commitments to  
410 mental institutions.

411 (I) Except as provided in sub-sub subparagraph (II), clerks  
412 of court shall submit these records to the department within 1  
413 month after the rendition of the adjudication or commitment.  
414 Reports shall be submitted in an automated format. The reports  
415 must, at a minimum, include the name, along with any known alias  
416 or former name, the sex, and the date of birth of the subject.

417 (II) For persons committed to a mental institution pursuant  
418 to sub-sub subparagraph b.(II), within 24 hours after the  
419 person's agreement to voluntary admission, a record of the  
420 finding, certification, notice, and written acknowledgment must  
421 be filed by the administrator of the receiving or treatment  
422 facility, as defined in s. 394.455, with the clerk of the court  
423 for the county in which the involuntary examination under s.  
424 394.463 occurred. No fee shall be charged for the filing under  
425 this sub-sub subparagraph. The clerk must present the records to  
426 a judge or magistrate within 24 hours after receipt of the  
427 records. A judge or magistrate is required and has the lawful  
428 authority to review the records ex parte and, if the judge or  
429 magistrate determines that the record supports the classifying  
430 of the person as an imminent danger to himself or herself or  
431 others, to order that the record be submitted to the department.  
432 If a judge or magistrate orders the submittal of the record to  
433 the department, the record must be submitted to the department  
434 within 24 hours.

435 d. A person who has been adjudicated mentally defective or

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436 committed to a mental institution, as those terms are defined in  
437 this paragraph, may petition the court that made the  
438 adjudication or commitment, or the court that ordered that the  
439 record be submitted to the department pursuant to sub-sub-  
440 subparagraph c.(II), for relief from the firearm disabilities  
441 imposed by such adjudication or commitment. A copy of the  
442 petition shall be served on the state attorney for the county in  
443 which the person was adjudicated or committed. The state  
444 attorney may object to and present evidence relevant to the  
445 relief sought by the petition. The hearing on the petition may  
446 be open or closed as the petitioner may choose. The petitioner  
447 may present evidence and subpoena witnesses to appear at the  
448 hearing on the petition. The petitioner may confront and cross-  
449 examine witnesses called by the state attorney. A record of the  
450 hearing shall be made by a certified court reporter or by court-  
451 approved electronic means. The court shall make written findings  
452 of fact and conclusions of law on the issues before it and issue  
453 a final order. The court shall grant the relief requested in the  
454 petition if the court finds, based on the evidence presented  
455 with respect to the petitioner's reputation, the petitioner's  
456 mental health record and, if applicable, criminal history  
457 record, the circumstances surrounding the firearm disability,  
458 and any other evidence in the record, that the petitioner will  
459 not be likely to act in a manner that is dangerous to public  
460 safety and that granting the relief would not be contrary to the  
461 public interest. If the final order denies relief, the  
462 petitioner may not petition again for relief from firearm  
463 disabilities until 1 year after the date of the final order. The  
464 petitioner may seek judicial review of a final order denying

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465 relief in the district court of appeal having jurisdiction over  
466 the court that issued the order. The review shall be conducted  
467 de novo. Relief from a firearm disability granted under this  
468 sub-subparagraph has no effect on the loss of civil rights,  
469 including firearm rights, for any reason other than the  
470 particular adjudication of mental defectiveness or commitment to  
471 a mental institution from which relief is granted.

472 e. Upon receipt of proper notice of relief from firearm  
473 disabilities granted under sub-subparagraph d., the department  
474 shall delete any mental health record of the person granted  
475 relief from the automated database of persons who are prohibited  
476 from purchasing a firearm based on court records of  
477 adjudications of mental defectiveness or commitments to mental  
478 institutions.

479 f. The department is authorized to disclose data collected  
480 pursuant to this subparagraph to agencies of the Federal  
481 Government and other states for use exclusively in determining  
482 the lawfulness of a firearm sale or transfer. The department is  
483 also authorized to disclose this data to the Department of  
484 Agriculture and Consumer Services for purposes of determining  
485 eligibility for issuance of a concealed weapons or concealed  
486 firearms license and for determining whether a basis exists for  
487 revoking or suspending a previously issued license pursuant to  
488 s. 790.06(10). When a potential buyer or transferee appeals a  
489 nonapproval based on these records, the clerks of court and  
490 mental institutions shall, upon request by the department,  
491 provide information to help determine whether the potential  
492 buyer or transferee is the same person as the subject of the  
493 record. Photographs and any other data that could confirm or

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494      negate identity must be made available to the department for  
495      such purposes, notwithstanding any other provision of state law  
496      to the contrary. Any such information that is made confidential  
497      or exempt from disclosure by law shall retain such confidential  
498      or exempt status when transferred to the department.

499      Section 15. This act shall take effect July 1, 2024.