

1                   A bill to be entitled  
2           An act relating to substance abuse and mental health  
3           care; amending s. 394.4573, F.S.; expanding mental  
4           health crisis services to include the 988 suicide and  
5           crisis lifeline call center; amending s. 394.4598,  
6           F.S.; authorizing a guardian advocate to be discharged  
7           when a patient is discharged from involuntary  
8           outpatient services; amending s. 394.4625, F.S.;  
9           requiring clinical psychologists who make  
10          determinations of involuntary placement at certain  
11          mental health facilities to have specified clinical  
12          experience; amending s. 394.4655, F.S.; providing  
13          specified criteria relating to orders to involuntary  
14          outpatient placement; amending s. 394.467, F.S.;  
15          revising the definition of the term "court"; providing  
16          that orders entered by an administrative law judge for  
17          continued involuntary placement for patients at  
18          certain mental health facilities are final and subject  
19          to judicial review; requiring certain hearings to be  
20          scheduled immediately; requiring the clerk of the  
21          Division of Administrative Hearings to provide copies  
22          of petitions and individualized plans for continued  
23          services to the Department of Children and Families  
24          and other specified individuals; requiring the court  
25          or the administrative law judge to make certain

26 |       determinations before waiving a patient's attendance  
27 |       at a hearing for continued involuntary placement;  
28 |       authorizing an administrative law judge to issue an  
29 |       order for involuntary services if the patient meets  
30 |       certain criteria; amending s. 394.67, F.S.; revising  
31 |       the definition of "crisis services" to include a 988  
32 |       suicide and crisis lifeline call center and defining  
33 |       the term "988 suicide and crisis lifeline call  
34 |       center"; creating s. 394.9088, F.S.; requiring the  
35 |       Department of Children and Families to authorize and  
36 |       provide oversight of the 988 suicide and crisis  
37 |       lifeline call centers and adopt specified rules;  
38 |       amending s. 397.427, F.S.; removing requirements  
39 |       relating to providers of medication-assisted treatment  
40 |       services for opiate addiction; amending s. 916.111,  
41 |       F.S.; revising training requirements for mental health  
42 |       professionals; amending s. 916.115, F.S.; requiring  
43 |       court appointed experts to have completed specified  
44 |       training and continued education; amending s. 916.12,  
45 |       F.S.; providing requirements for an expert to  
46 |       determine acceptable treatments available in a  
47 |       community; amending ss. 394.674, 397.68141, and  
48 |       394.74, F.S.; conforming cross-references; providing  
49 |       an effective date.  
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51 Be It Enacted by the Legislature of the State of Florida:

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**Section 1. Paragraph (d) of subsection (2) of section 394.4573, Florida Statutes, is amended to read:**

394.4573 Coordinated system of care; annual assessment; essential elements; measures of performance; system improvement grants; reports.—On or before December 1 of each year, the department shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives an assessment of the behavioral health services in this state. The assessment shall consider, at a minimum, the extent to which designated receiving systems function as no-wrong-door models, the availability of treatment and recovery services that use recovery-oriented and peer-involved approaches, the availability of less-restrictive services, and the use of evidence-informed practices. The assessment shall also consider the availability of and access to coordinated specialty care programs and identify any gaps in the availability of and access to such programs in the state. The department's assessment shall consider, at a minimum, the needs assessments conducted by the managing entities pursuant to s. 394.9082(5). The department shall compile and include in the report all plans submitted by managing entities pursuant to s. 394.9082(8) and the department's evaluation of each plan.

(2) The essential elements of a coordinated system of care

76 include:

77 (d) Crisis services, including the 988 suicide and crisis  
78 lifeline call center, mobile response teams, crisis  
79 stabilization units, addiction receiving facilities, and  
80 detoxification facilities.

81 **Section 2. Subsection (8) of section 394.4598, Florida**  
82 **Statutes, is amended to read:**

83 394.4598 Guardian advocate.—

84 (8) The guardian advocate shall be discharged when the  
85 patient is discharged from an order for involuntary outpatient  
86 services placement or involuntary inpatient placement or when  
87 the patient is transferred from involuntary to voluntary status.  
88 The court or a hearing officer shall consider the competence of  
89 the patient pursuant to subsection (1) and may consider an  
90 involuntarily placed patient's competence to consent to  
91 treatment at any hearing. Upon sufficient evidence, the court  
92 may restore, or the hearing officer may recommend that the court  
93 restore, the patient's competence. A copy of the order restoring  
94 competence or the certificate of discharge containing the  
95 restoration of competence shall be provided to the patient and  
96 the guardian advocate.

97 **Section 3. Subsection (5) of section 394.4625, Florida**  
98 **Statutes, is amended to read:**

99 394.4625 Voluntary admissions.—

100 (5) TRANSFER TO INVOLUNTARY STATUS.—When a voluntary

101 patient, or an authorized person on the patient's behalf, makes  
102 a request for discharge, the request for discharge, unless  
103 freely and voluntarily rescinded, must be communicated to a  
104 physician, a clinical psychologist with at least 3 years of  
105 clinical ~~postdoctoral~~ experience ~~in the practice of clinical~~  
106 ~~psychology~~, or a psychiatrist as quickly as possible, but not  
107 later than 12 hours after the request is made. If the patient  
108 meets the criteria for involuntary placement, the administrator  
109 of the facility must file with the court a petition for  
110 involuntary placement, within 2 court working days after the  
111 request for discharge is made. If the petition is not filed  
112 within 2 court working days, the patient must be discharged.  
113 Pending the filing of the petition, the patient may be held and  
114 emergency treatment rendered in the least restrictive manner,  
115 upon the order of a physician or a psychiatric nurse practicing  
116 within the framework of an established protocol with a  
117 psychiatrist, if it is determined that such treatment is  
118 necessary for the safety of the patient or others.

119 **Section 4. Section 394.4655, Florida Statutes, is amended**  
120 **to read:**

121 394.4655 Orders to involuntary outpatient placement.—

122 (1) As used in this section, the term "involuntary  
123 outpatient placement" means involuntary outpatient services as  
124 defined in s. 394.467.

125 (2) A court or a county court may order an individual to

126 involuntary outpatient placement in accordance with the criteria  
 127 for ordering a person to involuntary outpatient placement, and  
 128 the requirements and processes for placement, including, but not  
 129 limited to, recommendations for involuntary outpatient  
 130 placement, petitions, appointment of counsel, and hearings on  
 131 involuntary outpatient placement as provided under s. 394.467.

132 (3) When recommending an order to involuntary outpatient  
 133 placement, the petitioner, as described in s. 394.467(4), shall  
 134 prepare a services plan for the patient in accordance with s.  
 135 394.467.

136 **Section 5. Paragraph (a) of subsection (1) and paragraphs**  
 137 **(b), (c), (i), and (j) of subsection (11) of section 394.467,**  
 138 **Florida Statutes, are amended to read:**

139 394.467 Involuntary inpatient placement and involuntary  
 140 outpatient services.—

141 (1) DEFINITIONS.—As used in this section, the term:

142 (a) "Court" means a circuit court or, for commitments only  
 143 to involuntary outpatient services ~~as defined in s. 394.4655,~~ a  
 144 county court.

145 (11) PROCEDURE FOR CONTINUED INVOLUNTARY SERVICES.—

146 (b)1. If a patient receiving involuntary outpatient  
 147 services continues to meet the criteria for involuntary  
 148 outpatient services, the service provider must file in the court  
 149 that issued the initial order for involuntary outpatient  
 150 services a petition for continued involuntary outpatient

151 services.

152       2. If a patient in involuntary inpatient placement  
153 continues to meet the criteria for involuntary services and is  
154 being treated at a receiving facility, the administrator must,  
155 before the expiration of the period the receiving facility is  
156 authorized to retain the patient, file in the court that issued  
157 the initial order for involuntary inpatient placement, a  
158 petition requesting authorization for continued involuntary  
159 services. The administrator may petition for inpatient or  
160 outpatient services.

161       3. If a patient in involuntary inpatient placement  
162 continues to meet the criteria for involuntary services and is  
163 being treated at a treatment facility, the administrator must,  
164 before expiration of the period the treatment facility is  
165 authorized to retain the patient, file a petition requesting  
166 authorization for continued involuntary services. The  
167 administrator may petition for inpatient or outpatient services.  
168 Hearings on petitions for continued involuntary services of an  
169 individual placed at any treatment facility are administrative  
170 hearings and must be conducted in accordance with s. 120.57(1),  
171 except that any order entered by the administrative law judge is  
172 final and subject to judicial review in accordance with s.  
173 120.68. Orders concerning patients committed after successfully  
174 pleading not guilty by reason of insanity are governed by s.  
175 916.15.

176 4. ~~The court shall immediately schedule~~ A hearing on the  
177 petition ~~shall~~ ~~to~~ be scheduled immediately and held within 15  
178 days after the petition is filed.

179 5. The existing involuntary services order shall remain in  
180 effect until disposition on the petition for continued  
181 involuntary services.

182 (c) The petition must be accompanied by a statement from  
183 the patient's physician, psychiatrist, psychiatric nurse, or  
184 clinical psychologist justifying the request, a brief  
185 description of the patient's treatment during the time he or she  
186 was receiving involuntary services, and an individualized plan  
187 of continued treatment developed in consultation with the  
188 patient or the patient's guardian advocate, if applicable. If  
189 the petition is for involuntary outpatient services, it must  
190 comply with the requirements of subparagraph (4)(d)3. When the  
191 petition has been filed, the clerk of the court or the clerk of  
192 the Division of Administrative Hearings, as applicable, shall  
193 provide copies of the petition and the individualized plan of  
194 continued services to the department, the patient, the patient's  
195 guardian advocate, the state attorney, and the patient's private  
196 counsel or the public defender.

197 (i) If a patient's attendance at the hearing is  
198 voluntarily waived, the court or the administrative law judge  
199 must determine that the patient knowingly, intelligently, and  
200 voluntarily waived his or her right to be present, before

201 waiving the presence of the patient from all or a portion of the  
202 hearing. Alternatively, if at the hearing the court or the  
203 administrative law judge finds that attendance at the hearing is  
204 not consistent with the best interests of the patient, the court  
205 or the administrative law judge may waive the presence of the  
206 patient from all or any portion of the hearing, unless the  
207 patient, through counsel, objects to the waiver of presence. The  
208 testimony in the hearing must be under oath, and the proceedings  
209 must be recorded.

210 (j) If at a hearing it is shown that the patient continues  
211 to meet the criteria for involuntary services, the court or the  
212 administrative law judge shall issue an order for continued  
213 involuntary outpatient services, involuntary inpatient  
214 placement, or a combination of involuntary services for up to 6  
215 months. The same procedure shall be repeated before the  
216 expiration of each additional period the patient is retained.

217  
218 The procedure required in this subsection must be followed  
219 before the expiration of each additional period the patient is  
220 involuntarily receiving services.

221 **Section 6. Subsections (1) through (25) of section 394.67,**  
222 **Florida Statutes, are renumbered as subsections (2) through**  
223 **(26), respectively, present subsection (4) is amended, and a new**  
224 **subsection (1) is added to that section, to read:**

225 394.67 Definitions.—As used in this part, the term:

226 (1) "988 suicide and crisis lifeline call center" means a  
 227 call center meeting national accreditation and recognized by the  
 228 department to receive 988 calls, texts, or other forms of  
 229 communication in this state.

230 (5)~~(4)~~ "Crisis services" means short-term evaluation,  
 231 stabilization, and brief intervention services provided to a  
 232 person who is experiencing an acute mental or emotional crisis,  
 233 as defined in subsection (19) ~~(18)~~, or an acute substance abuse  
 234 crisis, as defined in subsection (20) ~~(19)~~, to prevent further  
 235 deterioration of the person's mental health. Crisis services are  
 236 provided in settings such as a crisis stabilization unit, an  
 237 inpatient unit, a short-term residential treatment program, a  
 238 detoxification facility, or an addictions receiving facility; at  
 239 the site of the crisis by a mobile crisis response team; ~~or~~ at a  
 240 hospital on an outpatient basis; or telephonically by a 988  
 241 suicide and crisis lifeline call center.

242 **Section 7. Section 394.9088, Florida Statutes, is created**  
 243 **to read:**

244 394.9088 988 suicide and crisis lifeline call center.—

245 (1) The department shall authorize and provide oversight  
 246 of 988 suicide and crisis lifeline call centers. Unless  
 247 authorized by the department, call centers are not permitted to  
 248 conduct 988 suicide and crisis lifeline services. The department  
 249 may implement a corrective action plan, suspension or revocation  
 250 of authorization for failure to comply with this section and

251 rules adopted under this section.

252 (2) The department shall adopt rules relating to minimum  
253 standards for 988 suicide and crisis lifeline call centers to be  
254 authorized, including, but not limited to:

255 (a) Service delivery, quality of care, and performance  
256 outcomes; quality assurance standards; the adequacy and  
257 consistency of personnel certifications; and minimum training  
258 standards for personnel.

259 (b) The process for authorization of 988 suicide and  
260 crisis lifeline call centers.

261 (3) Authorized 988 suicide and crisis lifeline call  
262 centers shall implement a cohesive statewide plan for 988  
263 suicide and crisis lifeline call centers to achieve statewide  
264 interoperability with the 911 system and to provide individuals  
265 with rapid and direct access to the appropriate care. The  
266 department may adopt rules to implement this subsection.

267 **Section 8. Subsections (3) through (9) of section 397.427,**  
268 **Florida Statutes, are renumbered as subsections (2) through (8),**  
269 **respectively, and present subsections (2) and (5) are amended,**  
270 **to read:**

271 397.427 Medication-assisted treatment service providers;  
272 rehabilitation program; needs assessment and provision of  
273 services; persons authorized to issue takeout medication;  
274 unlawful operation; penalty.—

275 ~~(2) The department shall determine the need for~~

276 ~~establishing providers of medication-assisted treatment services~~  
277 ~~for opiate addiction.~~

278 ~~(a) Providers of medication-assisted treatment services~~  
279 ~~for opiate addiction may be established only in response to the~~  
280 ~~department's determination and publication of need for~~  
281 ~~additional medication treatment services.~~

282 ~~(b) If needs assessment is required, the department shall~~  
283 ~~annually conduct the assessment and publish a statement of~~  
284 ~~findings which identifies each substate entity's need.~~

285 ~~(c) Notwithstanding paragraphs (a) and (b), the license~~  
286 ~~for medication-assisted treatment programs for opiate addiction~~  
287 ~~licensed before October 1, 1990, may not be revoked solely~~  
288 ~~because of the department's determination concerning the need~~  
289 ~~for medication-assisted treatment services for opiate addiction.~~

290 (4)~~(5)~~ ~~The department shall also determine the need for~~  
291 ~~establishing medication-assisted treatment for substance use~~  
292 ~~disorders other than opiate dependence. Service providers within~~  
293 ~~the publicly funded system shall be funded for provision of~~  
294 ~~these services based on the availability of funds.~~

295 **Section 9. Paragraph (c) of subsection (1) of section**  
296 **916.111, Florida Statutes, is amended to read:**

297 916.111 Training of mental health experts.—The evaluation  
298 of defendants for competency to proceed or for sanity at the  
299 time of the commission of the offense shall be conducted in such  
300 a way as to ensure uniform application of the criteria

301 enumerated in Rules 3.210 and 3.216, Florida Rules of Criminal  
 302 Procedure. The department shall develop, and may contract with  
 303 accredited institutions:

304 (1) To provide:

305 (c) Training for mental health professionals in the  
 306 application of these protocols and procedures in performing  
 307 forensic evaluations and providing reports to the courts.  
 308 Training must include, but is not limited to, information on  
 309 statutes and rules related to competency restoration, evidence-  
 310 based practices, least restrictive treatment alternatives and  
 311 placement options as described in s. 916.12(4)(c); and

312 **Section 10. Subsection (1) of section 916.115, Florida**  
 313 **Statutes, is amended to read:**

314 916.115 Appointment of experts.—

315 (1) The court shall appoint no more than three experts to  
 316 determine the mental condition of a defendant in a criminal  
 317 case, including competency to proceed, insanity, involuntary  
 318 placement, and treatment. The experts may evaluate the defendant  
 319 in jail or in another appropriate local facility or in a  
 320 facility of the Department of Corrections.

321 (a) The court ~~To the extent possible,~~ The appointed  
 322 experts shall:

323 1. ~~have completed forensic evaluator training approved by~~  
 324 ~~the department, and each shall~~ Be a psychiatrist, licensed  
 325 psychologist, or physician.

326        2. Have completed initial and annual forensic evaluator  
327 training, provided by the department.

328        3. If performing juvenile evaluations, have completed  
329 initial and annual juvenile forensic competency evaluation  
330 training provided by the department.

331        (b) Existing evaluators as of July 1, 2024, shall complete  
332 department-provided annual forensic evaluator training by July  
333 1, 2026, to remain active on the list described in paragraph

334 (c).

335        (c) ~~(b)~~ The department shall maintain and annually provide  
336 the courts with a list of available mental health professionals  
337 who have completed the initial and annual ~~approved~~ training as  
338 experts.

339        **Section 11. Paragraph (d) of subsection (4) of section**  
340 **916.12, Florida Statutes, is amended to read:**

341        916.12 Mental competence to proceed.—

342        (4) If an expert finds that the defendant is incompetent  
343 to proceed, the expert shall report on any recommended treatment  
344 for the defendant to attain competence to proceed. In  
345 considering the issues relating to treatment, the examining  
346 expert shall specifically report on:

347        (d) The availability of acceptable treatment and, if  
348 treatment is available in the community, the expert shall so  
349 state in the report. In determining what acceptable treatments  
350 are available in the community, the expert shall, at a minimum,

351 use current information or resources on less restrictive  
352 treatment alternatives, as described in paragraph (c) and those  
353 obtained from forensic evaluators training provided by the  
354 department.

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356 The examining expert's report to the court shall include a full  
357 and detailed explanation regarding why the alternative treatment  
358 options referenced in the evaluation are insufficient to meet  
359 the needs of the defendant.

360 **Section 12. Paragraph (a) of subsection (1) of section**  
361 **394.674, Florida Statutes, is amended to read:**

362 394.674 Eligibility for publicly funded substance abuse  
363 and mental health services; fee collection requirements.—

364 (1) To be eligible to receive substance abuse and mental  
365 health services funded by the department, an individual must be  
366 a member of at least one of the department's priority  
367 populations approved by the Legislature. The priority  
368 populations include:

369 (a) For adult mental health services:

370 1. Adults who have severe and persistent mental illness,  
371 as designated by the department using criteria that include  
372 severity of diagnosis, duration of the mental illness, ability  
373 to independently perform activities of daily living, and receipt  
374 of disability income for a psychiatric condition. Included  
375 within this group are:

- 376 a. Older adults in crisis.
- 377 b. Older adults who are at risk of being placed in a more
- 378 restrictive environment because of their mental illness.
- 379 c. Persons deemed incompetent to proceed or not guilty by
- 380 reason of insanity under chapter 916.
- 381 d. Other persons involved in the criminal justice system.
- 382 e. Persons diagnosed as having co-occurring mental illness
- 383 and substance abuse disorders.
- 384 2. Persons who are experiencing an acute mental or
- 385 emotional crisis as defined in s. 394.67 ~~s. 394.67(18)~~.

386 **Section 13. Subsection (3) of section 397.68141, Florida**  
 387 **Statutes, is amended to read:**

388 397.68141 Contents of petition for involuntary treatment  
 389 services.—A petition for involuntary services must contain the  
 390 name of the respondent; the name of the petitioner; the  
 391 relationship between the respondent and the petitioner; the name  
 392 of the respondent's attorney, if known; and the factual  
 393 allegations presented by the petitioner establishing the need  
 394 for involuntary services for substance abuse impairment.

395 (3) If there is an emergency, the petition must also  
 396 describe the respondent's exigent circumstances and include a  
 397 request for an ex parte assessment and stabilization order that  
 398 must be executed pursuant to s. 397.6818 ~~s. 397.68151~~.

399 **Section 14. Paragraph (a) of subsection (3) of section**  
 400 **394.74, Florida Statutes, is amended to read:**

401           394.74 Contracts for provision of local substance abuse  
402 and mental health programs.—

403           (3) Contracts shall include, but are not limited to:

404           (a) A provision that, within the limits of available  
405 resources, substance abuse and mental health crisis services, as  
406 defined in s. 394.67 ~~s. 394.67(4)~~, shall be available to any  
407 individual residing or employed within the service area,  
408 regardless of ability to pay for such services, current or past  
409 health condition, or any other factor;

410           **Section 15.** This act shall take effect July 1, 2025.