

1 A bill to be entitled

2 An act relating to mental health and substance abuse;

3 amending s. 394.455, F.S.; conforming a cross-

4 reference; amending s. 394.459, F.S.; revising review

5 requirements for specified restrictions relating to a

6 patient's right to communicate or to receive visitors;

7 requiring that a facility provide certain information,

8 in writing, to patients with a serious mental illness,

9 upon discharge from the facility; amending s. 394.461,

10 F.S.; authorizing the state to establish that a

11 transfer evaluation was performed and the evaluation

12 document properly executed by providing the court with

13 a copy of the evaluation before the close of the

14 state's case in chief; prohibiting the court from

15 considering substantive information in the transfer

16 evaluation unless the evaluator or current treating

17 provider testifies at the hearing; requiring a

18 facility to inform the Department of Children and

19 Families regarding certain persons examined or

20 committed at the facility within a specified

21 timeframe; amending s. 394.462, F.S.; conforming

22 cross-references; amending s. 394.4625, F.S.; revising

23 provisions relating to the voluntary admission of

24 minors to a facility for examination and treatment;

25 requiring that a minor's assent to voluntary care be

26 | verified; amending s. 394.463, F.S.; requiring law
27 | enforcement officers transporting individuals for
28 | involuntary treatment to take certain actions;
29 | revising requirements for reports relating to
30 | involuntary treatment; revising approval requirements
31 | for release of a patient by a receiving facility;
32 | specifying when the examination period begins for a
33 | patient arriving at a receiving facility; amending s.
34 | 394.467, F.S.; revising requirements for continuances
35 | of hearings; revising the conditions under which a
36 | court may waive the requirement for a patient to be
37 | present at an involuntary inpatient placement hearing;
38 | authorizing the court to permit all witnesses to
39 | attend and testify remotely at the hearing through
40 | certain means under certain circumstances; requiring
41 | facilities to make certain clinical records available
42 | to a state attorney and the respondent's attorney
43 | within a specified timeframe; specifying that such
44 | records remain confidential and may not be used for
45 | certain purposes; revising when the court may appoint
46 | a magistrate; requiring the court to allow certain
47 | testimony from certain individuals; revising the
48 | amount of time a court may require a patient to
49 | receive services; requiring facilities to discharge
50 | patients after the patient no longer meets the

51 criteria for involuntary treatment; prohibiting courts
52 from ordering that individuals with developmental
53 disabilities be involuntarily placed in a state
54 treatment facility; making conforming changes;
55 amending ss. 394.495 and 394.496, F.S.; conforming
56 provisions to changes made by the act; amending s.
57 394.499, F.S.; making a technical change; conforming a
58 provision to changes made by the act; amending s.
59 394.9086; revising meeting requirements of the
60 Commission on Mental Health and Substance Abuse;
61 authorizing reimbursement for per diem and travel
62 expenses for commission members; authorizing the
63 commission to access certain records; extending the
64 date by which the commission must submit a certain
65 interim report to the Governor and Legislature;
66 amending s. 397.305, F.S.; revising the purpose of ch.
67 397, F.S.; amending s. 397.311, F.S.; revising
68 definitions; creating s. 397.341, F.S.; requiring law
69 enforcement officers transporting individuals for
70 treatment to take certain actions; amending s.
71 397.501, F.S.; requiring that a facility provide
72 certain information, in writing, to individuals with
73 substance use disorders, upon discharge from the
74 facility; amending s. 397.675, F.S.; including co-
75 occurring substance use disorders as a basis for

76 applying criteria for involuntary admissions; amending
77 s. 397.6751, F.S.; revising the responsibilities of a
78 service provider; amending s. 397.681, F.S.; revising
79 where involuntary treatment petitions for substance
80 abuse impaired persons may be filed; revising what
81 part of such proceedings a general or special
82 magistrate may preside over; conforming provisions to
83 changes made by the act; repealing s. 397.6811, F.S.,
84 relating to involuntary assessment and stabilization;
85 repealing s. 397.6814, F.S., relating to petitions for
86 involuntary assessment and stabilization; repealing s.
87 397.6815, F.S., relating to involuntary assessment and
88 stabilization procedures; repealing s. 397.6818, F.S.,
89 relating to court determinations for petitions for
90 involuntary assessment and stabilization; repealing s.
91 397.6819, F.S., relating to the responsibilities of
92 licensed service providers with regard to involuntary
93 assessment and stabilization; repealing s. 397.6821,
94 F.S., relating to extensions of time for completion of
95 involuntary assessment and stabilization; repealing s.
96 397.6822, F.S., relating to the disposition of
97 individuals after involuntary assessment; amending s.
98 397.693, F.S.; revising the circumstances under which
99 a person is eligible for court-ordered involuntary
100 treatment; amending s. 397.695, F.S.; authorizing the

101 court or clerk of the court to waive or prohibit any
102 service of process fees for an indigent petitioner;
103 amending s. 397.6951, F.S.; revising the requirements
104 for the contents of a petition for involuntary
105 treatment services; authorizing a petitioner to
106 include with the petition a certificate or report of a
107 qualified professional; requiring the certificate or
108 report to contain certain information; requiring that
109 certain additional information be included if an
110 emergency exists; amending s. 397.6955, F.S.; revising
111 when a hearing must be held on the petition; requiring
112 law enforcement agencies to effect service for initial
113 treatment hearings unless certain requirements are
114 met; providing requirements for when a petitioner
115 asserts that emergency circumstances exist or the
116 court determines that an emergency exists; conforming
117 provisions to changes made by the act; amending s.
118 397.6957, F.S.; expanding the exemption from the
119 requirement that a respondent be present at a hearing
120 on a petition for involuntary treatment services;
121 authorizing the court to order drug tests and permit
122 all witnesses to remotely attend and testify at the
123 hearing through certain means; deleting a provision
124 requiring the court to appoint a guardian advocate
125 under certain circumstances; prohibiting a respondent

126 from being involuntarily ordered into treatment unless
127 certain requirements are met; providing requirements
128 relating to involuntary assessment and stabilization
129 orders; providing requirements relating to involuntary
130 treatment hearings; requiring that the assessment of a
131 respondent occur before a specified time unless
132 certain requirements are met; requiring the service
133 provider to discharge the respondent after a specified
134 time unless certain requirements are met; requiring a
135 qualified professional to provide copies of his or her
136 report to the court and all relevant parties and
137 counsel; providing requirements for the report;
138 authorizing a court to order certain persons to take a
139 respondent into custody and transport him or her to or
140 from certain service providers and the court;
141 authorizing the court to initiate involuntary
142 proceedings under certain circumstances; requiring
143 that, if a treatment order is issued, it must include
144 certain findings; amending s. 397.697, F.S.; requiring
145 that an individual meet certain requirements to
146 qualify for involuntary outpatient treatment;
147 specifying that a service provider's authority is
148 separate and distinct from the court's jurisdiction;
149 requiring the department to receive and maintain
150 copies of certain documents and prepare annual reports

151 obtained from the documents; requiring the department
 152 to post copies of the reports on its website beginning
 153 on a specified date; amending s. 397.6971, F.S.;
 154 revising when an individual receiving involuntary
 155 treatment services may be determined eligible for
 156 discharge; conforming provisions to changes made by
 157 the act; amending s. 397.6975, F.S.; authorizing
 158 certain entities to file a petition for renewal of
 159 involuntary treatment services; revising the timeframe
 160 during which the court is required to schedule a
 161 hearing; conforming provisions to changes made by the
 162 act; amending s. 397.6977, F.S.; conforming provisions
 163 to changes made by the act; repealing s. 397.6978,
 164 F.S., relating to the appointment of guardian
 165 advocates; amending s. 394.4655, F.S.; conforming a
 166 cross-reference; providing an appropriation; providing
 167 an effective date.

168
 169 Be It Enacted by the Legislature of the State of Florida:

170
 171 Section 1. Subsection (23) of section 394.455, Florida
 172 Statutes, is amended to read:

173 394.455 Definitions.—As used in this part, the term:

174 (23) "Involuntary examination" means an examination
 175 performed under s. 394.463, s. 397.6772, s. 397.679, s.

176 | 397.6798, or s. 397.6957 ~~s. 397.6811~~ to determine whether a
 177 | person qualifies for involuntary services.

178 | Section 2. Paragraph (c) of subsection (5) and subsection
 179 | (11) of section 394.459, Florida Statutes, are amended to read:
 180 | 394.459 Rights of patients.—

181 | (5) COMMUNICATION, ABUSE REPORTING, AND VISITS.—

182 | (c) Each facility must permit immediate access to any
 183 | patient, subject to the patient's right to deny or withdraw
 184 | consent at any time, by the patient's family members, guardian,
 185 | guardian advocate, representative, Florida statewide or local
 186 | advocacy council, or attorney, unless such access would be
 187 | detrimental to the patient. If a patient's right to communicate
 188 | or to receive visitors is restricted by the facility, written
 189 | notice of such restriction and the reasons for the restriction
 190 | shall be served on the patient, the patient's attorney, and the
 191 | patient's guardian, guardian advocate, or representative; and
 192 | such restriction shall be recorded on the patient's clinical
 193 | record with the reasons therefor. The restriction of a patient's
 194 | right to communicate or to receive visitors shall be reviewed at
 195 | least every 72 hours, or no later than the next working day if
 196 | such period ends on a weekend or holiday ~~7 days~~. The right to
 197 | communicate or receive visitors shall not be restricted as a
 198 | means of punishment. Nothing in this paragraph shall be
 199 | construed to limit the provisions of paragraph (d).

200 | (11) RIGHT TO PARTICIPATE IN TREATMENT AND DISCHARGE

201 PLANNING.—

202 (a) The patient shall have the opportunity to participate
 203 in treatment and discharge planning and shall be notified in
 204 writing of his or her right, upon discharge from the facility,
 205 to seek treatment from the professional or agency of the
 206 patient's choice.

207 (b) Upon discharge, the facility must provide, in writing,
 208 information to a patient with a serious mental illness, at a
 209 minimum, regarding services available in the patient's
 210 geographic area which would assist in the patient's recovery.

211 Section 3. Paragraphs (c) and (d) of subsection (4) of
 212 section 394.461, Florida Statutes, are redesignated as
 213 paragraphs (d) and (e), respectively, subsection (2) is amended,
 214 and a new paragraph (c) is added to subsection (4) of that
 215 section, to read:

216 394.461 Designation of receiving and treatment facilities
 217 and receiving systems.—The department is authorized to designate
 218 and monitor receiving facilities, treatment facilities, and
 219 receiving systems and may suspend or withdraw such designation
 220 for failure to comply with this part and rules adopted under
 221 this part. Unless designated by the department, facilities are
 222 not permitted to hold or treat involuntary patients under this
 223 part.

224 (2) TREATMENT FACILITY.—The department may designate any
 225 state-owned, state-operated, or state-supported facility as a

226 | state treatment facility. A civil patient may ~~shall~~ not be
 227 | admitted to a state treatment facility without previously
 228 | undergoing a transfer evaluation. Before the close of the
 229 | state's case in chief in a ~~court~~ hearing for involuntary
 230 | ~~placement in a state treatment facility,~~ the state may establish
 231 | that the transfer evaluation was performed and the document
 232 | properly executed by providing the court with a copy of the
 233 | transfer evaluation. The court may not ~~court shall receive and~~
 234 | consider the substantive information ~~documented~~ in the transfer
 235 | evaluation unless the evaluator or current treating provider
 236 | testifies at the hearing. Any other facility, including a
 237 | private facility or a federal facility, may be designated as a
 238 | treatment facility by the department, provided that such
 239 | designation is agreed to by the appropriate governing body or
 240 | authority of the facility.

241 | (4) REPORTING REQUIREMENTS.—

242 | (c) The facility must inform the department of any person
 243 | who has been examined or committed three or more times at the
 244 | facility pursuant to this chapter within a 12-month period.

245 | Section 4. Section 394.462, Florida Statutes, is amended
 246 | to read:

247 | 394.462 Transportation.—A transportation plan shall be
 248 | developed and implemented by each county in collaboration with
 249 | the managing entity in accordance with this section. A county
 250 | may enter into a memorandum of understanding with the governing

251 boards of nearby counties to establish a shared transportation
 252 plan. When multiple counties enter into a memorandum of
 253 understanding for this purpose, the counties shall notify the
 254 managing entity and provide it with a copy of the agreement. The
 255 transportation plan shall describe methods of transport to a
 256 facility within the designated receiving system for individuals
 257 subject to involuntary examination under s. 394.463 or
 258 involuntary admission under s. 397.6772, s. 397.679, s.
 259 397.6798, or s. 397.6957 ~~s. 397.6811~~, and may identify
 260 responsibility for other transportation to a participating
 261 facility when necessary and agreed to by the facility. The plan
 262 may rely on emergency medical transport services or private
 263 transport companies, as appropriate. The plan shall comply with
 264 the transportation provisions of this section and ss. 397.6772,
 265 397.6795, ~~397.6822~~, and 397.697.

266 (1) TRANSPORTATION TO A RECEIVING FACILITY.—

267 (a) Each county shall designate a single law enforcement
 268 agency within the county, or portions thereof, to take a person
 269 into custody upon the entry of an ex parte order or the
 270 execution of a certificate for involuntary examination by an
 271 authorized professional and to transport that person to the
 272 appropriate facility within the designated receiving system
 273 pursuant to a transportation plan.

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

276 a. The jurisdiction designated by the county has
277 contracted on an annual basis with an emergency medical
278 transport service or private transport company for
279 transportation of persons to receiving facilities pursuant to
280 this section at the sole cost of the county; and

281 b. The law enforcement agency and the emergency medical
282 transport service or private transport company agree that the
283 continued presence of law enforcement personnel is not necessary
284 for the safety of the person or others.

285 2. The entity providing transportation may seek
286 reimbursement for transportation expenses. The party responsible
287 for payment for such transportation is the person receiving the
288 transportation. The county shall seek reimbursement from the
289 following sources in the following order:

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

292 b. From the person receiving the transportation.

293 c. From a financial settlement for medical care,
294 treatment, hospitalization, or transportation payable or
295 accruing to the injured party.

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

301 (d) Any company that contracts with a governing board of a
 302 county to transport patients shall comply with the applicable
 303 rules of the department to ensure the safety and dignity of
 304 patients.

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

309 (f) When a member of a mental health overlay program or a
 310 mobile crisis response service is a professional authorized to
 311 initiate an involuntary examination pursuant to s. 394.463 or s.
 312 397.675 and that professional evaluates a person and determines
 313 that transportation to a receiving facility is needed, the
 314 service, at its discretion, may transport the person to the
 315 facility or may call on the law enforcement agency or other
 316 transportation arrangement best suited to the needs of the
 317 patient.

318 (g) When any law enforcement officer has custody of a
 319 person based on either noncriminal or minor criminal behavior
 320 that meets the statutory guidelines for involuntary examination
 321 pursuant to s. 394.463, the law enforcement officer shall
 322 transport the person to the appropriate facility within the
 323 designated receiving system pursuant to a transportation plan.
 324 Persons who meet the statutory guidelines for involuntary
 325 admission pursuant to s. 397.675 may also be transported by law

326 enforcement officers to the extent resources are available and
327 as otherwise provided by law. Such persons shall be transported
328 to an appropriate facility within the designated receiving
329 system pursuant to a transportation plan.

330 (h) When any law enforcement officer has arrested a person
331 for a felony and it appears that the person meets the statutory
332 guidelines for involuntary examination or placement under this
333 part, such person must first be processed in the same manner as
334 any other criminal suspect. The law enforcement agency shall
335 thereafter immediately notify the appropriate facility within
336 the designated receiving system pursuant to a transportation
337 plan. The receiving facility shall be responsible for promptly
338 arranging for the examination and treatment of the person. A
339 receiving facility is not required to admit a person charged
340 with a crime for whom the facility determines and documents that
341 it is unable to provide adequate security, but shall provide
342 examination and treatment to the person where he or she is held.

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

348 (j) The costs of transportation, evaluation,
349 hospitalization, and treatment incurred under this subsection by
350 persons who have been arrested for violations of any state law

351 or county or municipal ordinance may be recovered as provided in
 352 s. 901.35.

353 (k) The appropriate facility within the designated
 354 receiving system pursuant to a transportation plan must accept
 355 persons brought by law enforcement officers, or an emergency
 356 medical transport service or a private transport company
 357 authorized by the county, for involuntary examination pursuant
 358 to s. 394.463.

359 (l) The appropriate facility within the designated
 360 receiving system pursuant to a transportation plan must provide
 361 persons brought by law enforcement officers, or an emergency
 362 medical transport service or a private transport company
 363 authorized by the county, pursuant to s. 397.675, a basic
 364 screening or triage sufficient to refer the person to the
 365 appropriate services.

366 (m) Each law enforcement agency designated pursuant to
 367 paragraph (a) shall establish a policy that reflects a single
 368 set of protocols for the safe and secure transportation and
 369 transfer of custody of the person. Each law enforcement agency
 370 shall provide a copy of the protocols to the managing entity.

371 (n) When a jurisdiction has entered into a contract with
 372 an emergency medical transport service or a private transport
 373 company for transportation of persons to facilities within the
 374 designated receiving system, such service or company shall be
 375 given preference for transportation of persons from nursing

376 homes, assisted living facilities, adult day care centers, or
377 adult family-care homes, unless the behavior of the person being
378 transported is such that transportation by a law enforcement
379 officer is necessary.

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

383 (2) TRANSPORTATION TO A TREATMENT FACILITY.—

384 (a) If neither the patient nor any person legally
385 obligated or responsible for the patient is able to pay for the
386 expense of transporting a voluntary or involuntary patient to a
387 treatment facility, the transportation plan established by the
388 governing board of the county or counties must specify how the
389 hospitalized patient will be transported to, from, and between
390 facilities in a safe and dignified manner.

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

397 (c) A company that contracts with one or more counties to
398 transport patients in accordance with this section shall comply
399 with the applicable rules of the department to ensure the safety
400 and dignity of patients.

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

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

411 Section 5. Paragraph (a) of subsection (1) and subsection
 412 (4) of section 394.4625, Florida Statutes, are amended to read:
 413 394.4625 Voluntary admissions.—

414 (1) AUTHORITY TO RECEIVE PATIENTS.—

415 (a) A facility may receive for observation, diagnosis, or
 416 treatment any person 18 years of age or older who applies ~~making~~
 417 ~~application~~ by express and informed consent for admission or any
 418 person age 17 or under whose parent or legal guardian applies
 419 for admission ~~whom such application is made by his or her~~
 420 ~~guardian~~. If found to show evidence of mental illness, to be
 421 competent to provide express and informed consent, and to be
 422 suitable for treatment, such person 18 years of age or older may
 423 be admitted to the facility. A person age 17 or under may be
 424 admitted only after a clinical review ~~hearing~~ to verify the
 425 voluntariness of the minor's assent ~~consent~~.

426 (4) TRANSFER TO VOLUNTARY STATUS.—An involuntary patient
 427 who applies to be transferred to voluntary status shall be
 428 transferred to voluntary status immediately, unless the patient
 429 has been charged with a crime, or has been involuntarily placed
 430 for treatment by a court pursuant to s. 394.467 and continues to
 431 meet the criteria for involuntary placement. When transfer to
 432 voluntary status occurs, notice shall be given as provided in s.
 433 394.4599, and if the patient is a minor, the minor's assent to
 434 voluntary care must be verified as provided in paragraph (1) (a).

435 Section 6. Paragraphs (a), (e), (f), and (g) of subsection
 436 (2) of section 394.463, Florida Statutes, are amended to read:

437 394.463 Involuntary examination.—

438 (2) INVOLUNTARY EXAMINATION.—

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

441 1. A circuit or county court may enter an ex parte order
 442 stating that a person appears to meet the criteria for
 443 involuntary examination and specifying the findings on which
 444 that conclusion is based. The ex parte order for involuntary
 445 examination must be based on written or oral sworn testimony
 446 that includes specific facts that support the findings. If other
 447 less restrictive means are not available, such as voluntary
 448 appearance for outpatient evaluation, a law enforcement officer,
 449 or other designated agent of the court, shall take the person
 450 into custody and deliver him or her to an appropriate, or the

451 nearest, facility within the designated receiving system
452 pursuant to s. 394.462 for involuntary examination. The order of
453 the court shall be made a part of the patient's clinical record.
454 A fee may not be charged for the filing of an order under this
455 subsection. A facility accepting the patient based on this order
456 must send a copy of the order to the department within 5 working
457 days. The order may be submitted electronically through existing
458 data systems, if available. The order shall be valid only until
459 the person is delivered to the facility or for the period
460 specified in the order itself, whichever comes first. If a time
461 limit is not specified in the order, the order is valid for 7
462 days after the date that the order was signed.

463 2. A law enforcement officer may ~~shall~~ take a person who
464 appears to meet the criteria for involuntary examination into
465 custody and deliver the person or have him or her delivered to
466 an appropriate, or the nearest, facility within the designated
467 receiving system pursuant to s. 394.462 for examination. A law
468 enforcement officer transporting a person pursuant to this
469 subparagraph shall restrain the person in the least restrictive
470 manner available and appropriate under the circumstances. The
471 officer shall execute a written report detailing the
472 circumstances under which the person was taken into custody,
473 which must be made a part of the patient's clinical record. Any
474 facility accepting the patient based on this report must send a
475 copy of the report to the department within 5 working days.

476 3. A physician, a physician assistant, a clinical
477 psychologist, a psychiatric nurse, an advanced practice
478 registered nurse registered under s. 464.0123, a mental health
479 counselor, a marriage and family therapist, or a clinical social
480 worker may execute a certificate stating that he or she has
481 examined a person within the preceding 48 hours and finds that
482 the person appears to meet the criteria for involuntary
483 examination and stating the observations upon which that
484 conclusion is based. If other less restrictive means, such as
485 voluntary appearance for outpatient evaluation, are not
486 available, a law enforcement officer shall take into custody the
487 person named in the certificate and deliver him or her to the
488 appropriate, or nearest, facility within the designated
489 receiving system pursuant to s. 394.462 for involuntary
490 examination. The law enforcement officer shall execute a written
491 report detailing the circumstances under which the person was
492 taken into custody. The report and certificate shall be made a
493 part of the patient's clinical record. Any facility accepting
494 the patient based on this certificate must send a copy of the
495 certificate to the department within 5 working days. The
496 document may be submitted electronically through existing data
497 systems, if applicable.

498
499 When sending the order, report, or certificate to the
500 department, a facility shall, at a minimum, provide information

501 about which action was taken regarding the patient under
502 paragraph (g), which information shall also be made a part of
503 the patient's clinical record.

504 (e) The department shall receive and maintain ~~the~~ copies
505 of ex parte orders, involuntary outpatient services orders
506 issued pursuant to s. 394.4655, involuntary inpatient placement
507 orders issued pursuant to s. 394.467, professional certificates,
508 and law enforcement officers' reports. These documents shall be
509 considered part of the clinical record, governed by the
510 provisions of s. 394.4615. These documents shall be used to
511 prepare, at least annually, ~~annual~~ reports analyzing the data
512 obtained from these documents, without information identifying
513 patients, and the department shall post ~~provide copies of the~~
514 reports on its website ~~to the department, the President of the~~
515 ~~Senate, the Speaker of the House of Representatives, and the~~
516 ~~minority leaders of the Senate and the House of Representatives.~~

517 (f) A patient shall be examined by a physician or a
518 clinical psychologist, or by a psychiatric nurse performing
519 within the framework of an established protocol with a
520 psychiatrist at a facility without unnecessary delay to
521 determine if the criteria for involuntary services are met.
522 Emergency treatment may be provided upon the order of a
523 physician if the physician determines that such treatment is
524 necessary for the safety of the patient or others. The patient
525 may not be released by the receiving facility or its contractor

526 without the documented approval of a psychiatrist or a clinical
527 psychologist or, if the receiving facility is owned or operated
528 by a hospital, ~~or~~ health system, or a nationally accredited
529 community mental health center, the release may also be approved
530 by a psychiatric nurse performing within the framework of an
531 established protocol with a psychiatrist, or an attending
532 emergency department physician with experience in the diagnosis
533 and treatment of mental illness after completion of an
534 involuntary examination pursuant to this subsection. A
535 psychiatric nurse may not approve the release of a patient if
536 the involuntary examination was initiated by a psychiatrist
537 unless the release is approved by the initiating psychiatrist.

538 (g) The examination period must be for up to 72 hours and
539 begins when a patient arrives at the receiving facility. For a
540 minor, the examination shall be initiated within 12 hours after
541 the patient's arrival at the facility. Within the examination
542 period or, if the examination period ends on a weekend or
543 holiday, no later than the next working day thereafter, one of
544 the following actions must be taken, based on the individual
545 needs of the patient:

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

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

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

555 4. A petition for involuntary services shall be filed in
 556 the circuit court ~~if inpatient treatment is deemed necessary~~ or
 557 with the criminal county court, as defined in s. 394.4655(1), as
 558 applicable. When inpatient treatment is deemed necessary, the
 559 least restrictive treatment consistent with the optimum
 560 improvement of the patient's condition shall be made available.
 561 When a petition is to be filed for involuntary outpatient
 562 placement, it shall be filed by one of the petitioners specified
 563 in s. 394.4655(4) (a). A petition for involuntary inpatient
 564 placement shall be filed by the facility administrator.

565 Section 7. Subsection (5), paragraphs (a), (b), and (c) of
 566 subsection (6), and paragraph (d) of subsection (7) of section
 567 394.467, Florida Statutes, are amended to read:

568 394.467 Involuntary inpatient placement.—

569 (5) CONTINUANCE OF HEARING.—The patient and the state are
 570 independently entitled ~~is entitled, with the concurrence of the~~
 571 ~~patient's counsel,~~ to at least one continuance of the hearing.
 572 The patient's continuance may be for a period of for up to 4
 573 weeks and requires the concurrence of his or her counsel. The
 574 state's continuance may be for a period of up to 5 court working
 575 days and requires a showing of good cause and due diligence by

576 the state before requesting the continuance. The state's failure
577 to timely review any readily available document or failure to
578 attempt to contact a known witness does not warrant a
579 continuance.

580 (6) HEARING ON INVOLUNTARY INPATIENT PLACEMENT.—

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

584 2. Except for good cause documented in the court file, the
585 hearing must be held in the county or the facility, as
586 appropriate, where the patient is located, must be as convenient
587 to the patient as is consistent with orderly procedure, and
588 shall be conducted in physical settings not likely to be
589 injurious to the patient's condition. If the court finds that
590 the patient's attendance at the hearing is not consistent with
591 the best interests of, or is likely to be injurious to, the
592 patient, or the patient knowingly, intelligently, and
593 voluntarily waives his or her right to be present, and the
594 patient's counsel does not object, the court may waive the
595 presence of the patient from all or any portion of the hearing.
596 Upon a showing of good cause, including, but not limited to,
597 specific symptoms of the respondent's condition, and if all
598 parties consent, the court may permit all witnesses, including,
599 but not limited to, any medical professionals or personnel who
600 are or have been involved with the patient's treatment, to

601 remotely attend and testify at the hearing under oath by audio-
602 video teleconference. Any witness intending to remotely attend
603 and testify at the hearing must provide the parties with all
604 relevant documents by the close of business on the day before
605 the hearing. The state attorney for the circuit in which the
606 patient is located shall represent the state, rather than the
607 petitioning facility administrator, as the real party in
608 interest in the proceeding. The facility shall make the
609 respondent's clinical records available to the state attorney
610 and the respondent's attorney within 24 hours of the involuntary
611 placement petition's filing so that the state can evaluate and
612 prepare its case before the hearing. However, such records shall
613 remain confidential, and the state attorney may not use any
614 record obtained under this part for criminal investigation or
615 prosecution purposes, or for any purpose other than the
616 patient's civil commitment under this chapter.

617 3. The court may appoint a magistrate to preside at the
618 hearing on the petition and any ancillary proceedings thereto.
619 One of the professionals who executed the petition for
620 involuntary inpatient placement certificate shall be a witness.
621 The court shall allow testimony deemed relevant and admissible
622 pursuant to the Florida Rules of Evidence from listed
623 individuals regarding the person's prior history and how that
624 history relates to the person's current condition. The patient
625 and the patient's guardian or representative shall be informed

626 by the court of the right to an independent expert examination.
627 If the patient cannot afford such an examination, the court
628 shall ensure that one is provided, as otherwise provided for by
629 law. The independent expert's report is confidential and not
630 discoverable, unless the expert is to be called as a witness for
631 the patient at the hearing. The testimony in the hearing must be
632 given under oath, and the proceedings must be recorded. The
633 patient may refuse to testify at the hearing.

634 (b) If the court concludes that the patient meets the
635 criteria for involuntary inpatient placement, it may order that
636 the patient be transferred to a treatment facility or, if the
637 patient is at a treatment facility, that the patient be retained
638 there or be treated at any other appropriate facility, or that
639 the patient receive services, on an involuntary basis, for up to
640 ~~90 days. However, any order for involuntary mental health~~
641 ~~services in a treatment facility may be for up to 6 months.~~ The
642 order shall specify the nature and extent of the patient's
643 mental illness, and, unless the patient has transferred to a
644 voluntary status, the facility must discharge the patient at any
645 time he or she no longer meets the criteria for involuntary
646 inpatient treatment. The court may not order an individual with
647 a developmental disability as defined in s. 393.063, traumatic
648 brain injury, or dementia who lacks a co-occurring mental
649 illness to be involuntarily placed in a state treatment
650 facility. ~~The facility shall discharge a patient any time the~~

651 ~~patient no longer meets the criteria for involuntary inpatient~~
652 ~~placement, unless the patient has transferred to voluntary~~
653 ~~status.~~

654 (c) If at any time before the conclusion of the
655 involuntary placement hearing ~~on involuntary inpatient placement~~
656 it appears to the court that the person does not meet the
657 criteria of ~~for involuntary inpatient placement under this~~
658 section, but instead meets the criteria for involuntary
659 outpatient services, the court may order the person evaluated
660 for involuntary outpatient services pursuant to s. 394.4655. The
661 petition and hearing procedures set forth in s. 394.4655 shall
662 apply. If the person instead meets the criteria for involuntary
663 assessment, protective custody, or involuntary admission or
664 treatment pursuant to s. 397.675, ~~then~~ the court may order the
665 person to be admitted for involuntary assessment ~~for a period of~~
666 ~~5 days~~ pursuant to s. 397.6957 ~~s. 397.6811~~. Thereafter, all
667 proceedings are governed by chapter 397.

668 (7) PROCEDURE FOR CONTINUED INVOLUNTARY INPATIENT
669 PLACEMENT.—

670 (d) If at a hearing it is shown that the patient continues
671 to meet the criteria for involuntary inpatient placement, the
672 administrative law judge shall sign the order for continued
673 involuntary inpatient placement for up to ~~90 days. However, any~~
674 ~~order for involuntary mental health services in a treatment~~
675 ~~facility may be for up to~~ 6 months. The same procedure shall be

676 repeated before the expiration of each additional period the
677 patient is retained.

678
679 The procedure required in this subsection must be followed
680 before the expiration of each additional period the patient is
681 involuntarily receiving services.

682 Section 8. Subsection (3) of section 394.495, Florida
683 Statutes, is amended to read:

684 394.495 Child and adolescent mental health system of care;
685 programs and services.—

686 (3) Assessments must be performed by:

687 (a) A clinical psychologist, clinical social worker,
688 physician, psychiatric nurse, or psychiatrist, as those terms
689 are defined in s. 394.455 ~~professional as defined in s.~~
690 ~~394.455(5), (7), (33), (36), or (37);~~

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

692 (c) A person who is under the direct supervision of a
693 clinical psychologist, clinical social worker, physician,
694 psychiatric nurse, or psychiatrist, as those terms are defined
695 in s. 394.455, ~~qualified professional as defined in s.~~
696 ~~394.455(5), (7), (33), (36), or (37)~~ or a professional licensed
697 under chapter 491.

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

700 394.496 Service planning.—

701 (5) A clinical psychologist, clinical social worker,
 702 physician, psychiatric nurse, or psychiatrist, as those terms
 703 are defined in s. 394.455, ~~professional as defined in s.~~
 704 ~~394.455(5), (7), (33), (36), or (37)~~ or a professional licensed
 705 under chapter 491 must be included among those persons
 706 developing the services plan.

707 Section 10. Paragraph (a) of subsection (2) of section
 708 394.499, Florida Statutes, is amended to read:

709 394.499 Integrated children's crisis stabilization
 710 unit/juvenile addictions receiving facility services.—

711 (2) Children eligible to receive integrated children's
 712 crisis stabilization unit/juvenile addictions receiving facility
 713 services include:

714 (a) A person under 18 years of age for whom voluntary
 715 application is made by his or her parent or legal guardian, if
 716 such person is found to show evidence of mental illness and to
 717 be suitable for treatment pursuant to s. 394.4625. A person
 718 under 18 years of age may be admitted for integrated facility
 719 services only after a hearing to verify that the assent ~~consent~~
 720 to admission is voluntary is conducted pursuant to s. 394.4625.

721 Section 11. Paragraph (c) of subsection (3) and subsection
 722 (5) of section 394.9086, Florida Statutes, are amended, and
 723 paragraphs (d) and (e) are added to subsection (3) of that
 724 section, to read:

725 394.9086 Commission on Mental Health and Substance Abuse.—

726 (3) MEMBERSHIP; TERM LIMITS; MEETINGS.—

727 (c) The commission shall convene no later than September
728 1, 2021. The commission shall meet quarterly or upon the call of
729 the chair. The commission may ~~shall~~ hold its meetings in person
730 or via teleconference or other electronic means.

731 (d) Members of the commission are entitled to receive
732 reimbursement for per diem and travel expenses pursuant to s.
733 112.061.

734 (e) Notwithstanding any other law, the commission may
735 request and shall be provided with access to any information or
736 records, including exempt or confidential and exempt information
737 or records, which are necessary for the commission to carry out
738 its duties. Information or records obtained by the commission
739 which are otherwise exempt or confidential and exempt shall
740 retain such exempt or confidential and exempt status, and the
741 commission may not disclose any such information or records.

742 (5) REPORTS.—By January 1, 2023 ~~September 1, 2022~~, the
743 commission shall submit an interim report to the President of
744 the Senate, the Speaker of the House of Representatives, and the
745 Governor containing its findings and recommendations on how to
746 best provide and facilitate mental health and substance abuse
747 services in the state. The commission shall submit its final
748 report to the President of the Senate, the Speaker of the House
749 of Representatives, and the Governor by September 1, 2023.

750 Section 12. Subsection (3) of section 397.305, Florida

751 Statutes, is amended to read:

752 397.305 Legislative findings, intent, and purpose.—

753 (3) It is the purpose of this chapter to provide for a
 754 comprehensive continuum of accessible and quality substance
 755 abuse prevention, intervention, clinical treatment, and recovery
 756 support services in the most appropriate and least restrictive
 757 environment which promotes long-term recovery while protecting
 758 and respecting the rights of individuals, primarily through
 759 community-based private not-for-profit providers working with
 760 local governmental programs involving a wide range of agencies
 761 from both the public and private sectors.

762 Section 13. Subsections (19) and (23) of section 397.311,
 763 Florida Statutes, are amended to read:

764 397.311 Definitions.—As used in this chapter, except part
 765 VIII, the term:

766 (19) "Impaired" or "substance abuse impaired" means having
 767 a substance use disorder or a condition involving the use of
 768 alcoholic beverages, illicit or prescription drugs, or any
 769 psychoactive or mood-altering substance in such a manner as to
 770 induce mental, emotional, or physical problems or ~~and~~ cause
 771 socially dysfunctional behavior.

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

776 Section 14. Section 397.341, Florida Statutes, is created
 777 to read:

778 397.341 Transportation of individuals by law enforcement
 779 officers.—A law enforcement officer transporting an individual
 780 pursuant to this chapter shall restrain that individual in the
 781 least restrictive manner available and appropriate under the
 782 circumstances.

783 Section 15. Subsection (11) is added to section 397.501,
 784 Florida Statutes, to read:

785 397.501 Rights of individuals.—Individuals receiving
 786 substance abuse services from any service provider are
 787 guaranteed protection of the rights specified in this section,
 788 unless otherwise expressly provided, and service providers must
 789 ensure the protection of such rights.

790 (11) POST-DISCHARGE CONTINUUM OF CARE.—Upon discharge, a
 791 facility must provide, in writing, information to an individual
 792 with a substance use disorder, at a minimum, regarding services
 793 available in the individual's geographic area which would assist
 794 in the individual's recovery.

795 Section 16. Section 397.675, Florida Statutes, is amended
 796 to read:

797 397.675 Criteria for involuntary admissions, including
 798 protective custody, emergency admission, and other involuntary
 799 assessment, involuntary treatment, and alternative involuntary
 800 assessment for minors, for purposes of assessment and

801 stabilization, and for involuntary treatment.—A person meets the
802 criteria for involuntary admission if there is good faith reason
803 to believe that the person is substance abuse impaired or has a
804 substance use disorder and a co-occurring mental health disorder
805 and, because of such impairment or disorder:

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

808 (2) (a) Is in need of substance abuse services and, by
809 reason of substance abuse impairment, his or her judgment has
810 been so impaired that he or she is incapable of appreciating his
811 or her need for such services and of making a rational decision
812 in that regard, although mere refusal to receive such services
813 does not constitute evidence of lack of judgment with respect to
814 his or her need for such services; or

815 (b) Without care or treatment, is likely to suffer from
816 neglect or refuse to care for himself or herself; that such
817 neglect or refusal poses a real and present threat of
818 substantial harm to his or her well-being; and that it is not
819 apparent that such harm may be avoided through the help of
820 willing family members or friends or the provision of other
821 services, or there is substantial likelihood that the person has
822 inflicted, or threatened to or attempted to inflict, or, unless
823 admitted, is likely to inflict, physical harm on himself,
824 herself, or another.

825 Section 17. Subsection (1) of section 397.6751, Florida

826 Statutes, is amended to read:

827 397.6751 Service provider responsibilities regarding
828 involuntary admissions.—

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

830 (a) Ensure that a person who is admitted to a licensed
831 service component meets the admission criteria specified in s.
832 397.675;

833 (b) Ascertain whether the medical and behavioral
834 conditions of the person, as presented, are beyond the safe
835 management capabilities of the service provider;

836 (c) Provide for the admission of the person to the service
837 component that represents the most appropriate and least
838 restrictive available setting that is responsive to the person's
839 treatment needs;

840 (d) Verify that the admission of the person to the service
841 component does not result in a census in excess of its licensed
842 service capacity;

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

846 (f) Take all necessary measures to ensure that each
847 individual in treatment is provided with a safe environment, and
848 to ensure that each individual whose medical condition or
849 behavioral problem becomes such that he or she cannot be safely
850 managed by the service component is discharged and referred to a

851 more appropriate setting for care.

852 Section 18. Section 397.681, Florida Statutes, is amended
853 to read:

854 397.681 Involuntary petitions; general provisions; court
855 jurisdiction and right to counsel.—

856 (1) JURISDICTION.—The courts have jurisdiction of
857 ~~involuntary assessment and stabilization petitions and~~
858 involuntary treatment petitions for substance abuse impaired
859 persons, and such petitions must be filed with the clerk of the
860 court in the county where the person is located or resides. The
861 clerk of the court may not charge a fee for the filing of a
862 petition under this section. The chief judge may appoint a
863 general or special magistrate to preside over all or part of the
864 proceedings related to the petition or any ancillary matters
865 thereto. The alleged impaired person is named as the respondent.

866 (2) RIGHT TO COUNSEL.—A respondent has the right to
867 counsel at every stage of a proceeding relating to a petition
868 for his or her ~~involuntary assessment and a petition for his or~~
869 ~~her~~ involuntary treatment for substance abuse impairment. A
870 respondent who desires counsel and is unable to afford private
871 counsel has the right to court-appointed counsel and to the
872 benefits of s. 57.081. If the court believes that the respondent
873 needs the assistance of counsel, the court shall appoint such
874 counsel for the respondent without regard to the respondent's
875 wishes. If the respondent is a minor not otherwise represented

876 in the proceeding, the court shall immediately appoint a
 877 guardian ad litem to act on the minor's behalf.

878 Section 19. Section 397.6811, Florida Statutes, is
 879 repealed.

880 Section 20. Section 397.6814, Florida Statutes, is
 881 repealed.

882 Section 21. Section 397.6815, Florida Statutes, is
 883 repealed.

884 Section 22. Section 397.6818, Florida Statutes, is
 885 repealed.

886 Section 23. Section 397.6819, Florida Statutes, is
 887 repealed.

888 Section 24. Section 397.6821, Florida Statutes, is
 889 repealed.

890 Section 25. Section 397.6822, Florida Statutes, is
 891 repealed.

892 Section 26. Section 397.693, Florida Statutes, is amended
 893 to read:

894 397.693 Involuntary treatment.—A person may be the subject
 895 of a petition for court-ordered involuntary treatment pursuant
 896 to this part, if that person:

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

899 (2) ~~(1)~~ Has been placed under protective custody pursuant
 900 to s. 397.677 within the previous 10 days;

901 (3)~~(2)~~ Has been subject to an emergency admission pursuant
 902 to s. 397.679 within the previous 10 days; or

903 (4)~~(3)~~ Has been assessed by a qualified professional
 904 within 30 ~~5~~ days;

905 ~~(4) Has been subject to involuntary assessment and~~
 906 ~~stabilization pursuant to s. 397.6818 within the previous 12~~
 907 ~~days; or~~

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

910 Section 27. Section 397.695, Florida Statutes, is amended
 911 to read:

912 397.695 Involuntary treatment services; persons who may
 913 petition.—

914 (1) If the respondent is an adult, a petition for
 915 involuntary treatment services may be filed by the respondent's
 916 spouse or legal guardian, any relative, a service provider, or
 917 an adult who has direct personal knowledge of the respondent's
 918 substance abuse impairment and his or her prior course of
 919 assessment and treatment.

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

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

926 Section 28. Section 397.6951, Florida Statutes, is amended
 927 to read:

928 397.6951 Contents of petition for involuntary treatment
 929 services.—

930 (1) A petition for involuntary treatment services must
 931 contain the name of the respondent; the name of the petitioner
 932 ~~or petitioners~~; the relationship between the respondent and the
 933 petitioner; the name of the respondent's attorney, if known; ~~the~~
 934 ~~findings and recommendations of the assessment performed by the~~
 935 ~~qualified professional~~; and the factual allegations presented by
 936 the petitioner establishing the need for involuntary ~~outpatient~~
 937 services for substance abuse impairment. The factual allegations
 938 must demonstrate:

939 (a)~~(1)~~ The reason for the petitioner's belief that the
 940 respondent is substance abuse impaired;

941 (b)~~(2)~~ The reason for the petitioner's belief that because
 942 of such impairment the respondent Has lost the power of self-
 943 control with respect to substance abuse; and

944 (c)1.~~(3)(a)~~ The reason the petitioner believes that the
 945 respondent has inflicted or is likely to inflict physical harm
 946 on himself or herself or others unless the court orders the
 947 involuntary services; or

948 2.~~(b)~~ The reason the petitioner believes that the
 949 respondent's refusal to voluntarily receive care is based on
 950 judgment so impaired by reason of substance abuse that the

951 respondent is incapable of appreciating his or her need for care
952 and of making a rational decision regarding that need for care.

953 (2) The petition may be accompanied by a certificate or
954 report of a qualified professional or a licensed physician who
955 examined the respondent within 30 days before the petition was
956 filed. This certificate or report must include the qualified
957 professional's or physician's findings relating to his or her
958 assessment of the patient and his or her treatment
959 recommendations. If the respondent was not assessed before the
960 filing of a treatment petition or refused to submit to an
961 evaluation, the lack of assessment or refusal must be noted in
962 the petition.

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

967 Section 29. Section 397.6955, Florida Statutes, is amended
968 to read:

969 397.6955 Duties of court upon filing of petition for
970 involuntary treatment services.-

971 (1) Upon the filing of a petition for involuntary
972 treatment services for a substance abuse impaired person with
973 the clerk of the court, the court shall immediately determine
974 whether the respondent is represented by an attorney or whether
975 the appointment of counsel for the respondent is appropriate.

976 If, based on the contents of the petition, the court appoints
977 counsel for the person, the clerk of the court shall immediately
978 notify the office of criminal conflict and civil regional
979 counsel, created pursuant to s. 27.511, of the appointment. The
980 office of criminal conflict and civil regional counsel shall
981 represent the person until the petition is dismissed, the court
982 order expires, ~~or~~ the person is discharged from involuntary
983 treatment services, or the office is otherwise discharged by the
984 court. An attorney that represents the person named in the
985 petition shall have access to the person, witnesses, and records
986 relevant to the presentation of the person's case and shall
987 represent the interests of the person, regardless of the source
988 of payment to the attorney.

989 (2) The court shall schedule a hearing to be held on the
990 petition within 10 court working ~~5~~ days unless a continuance is
991 granted. ~~The court may appoint a magistrate to preside at the~~
992 ~~hearing.~~

993 (3) A copy of the petition and notice of the hearing must
994 be provided to the respondent; the respondent's parent,
995 guardian, or legal custodian, in the case of a minor; the
996 respondent's attorney, if known; the petitioner; the
997 respondent's spouse or guardian, if applicable; and such other
998 persons as the court may direct. If the respondent is a minor, a
999 copy of the petition and notice of the hearing must be
1000 personally delivered to the respondent. The clerk ~~court~~ shall

1001 also issue a summons to the person whose admission is sought,
 1002 and unless a circuit court's chief judge authorizes
 1003 disinterested private process servers to serve parties under
 1004 this chapter, a law enforcement agency must effect service for
 1005 the initial treatment hearing.

1006 (4) (a) When the petitioner asserts that emergency
 1007 circumstances exist, or when upon review of the petition the
 1008 court determines that an emergency exists, the court may rely
 1009 solely on the contents of the petition and, without the
 1010 appointment of an attorney, enter an ex parte order for the
 1011 respondent's involuntary assessment and stabilization which must
 1012 be executed during the period when the hearing on the petition
 1013 for treatment is pending. The court may further order a law
 1014 enforcement officer or other designated agent of the court to:

1015 1. Take the respondent into custody and deliver him or her
 1016 to either the nearest appropriate licensed service provider or a
 1017 licensed service provider designated by the court to be
 1018 evaluated; and

1019 2. Serve the respondent with the notice of hearing and a
 1020 copy of the petition.

1021 (b) The service provider must promptly inform the court
 1022 and parties of the respondent's arrival and may not hold the
 1023 respondent for longer than 72 hours of observation thereafter,
 1024 unless:

1025 1. The service provider seeks additional time under s.

1026 397.6957(1)(c) and the court, after a hearing, grants that
1027 motion;

1028 2. The respondent shows signs of withdrawal, or a need to
1029 be either detoxified or treated for a medical condition, which
1030 shall extend the amount of time the respondent may be held for
1031 observation until the issue is resolved; or

1032 3. The original or extended observation period ends on a
1033 weekend or holiday, in which case the provider may hold the
1034 respondent until the next court working day.

1035 (c) If the ex parte order was not executed by the initial
1036 hearing date, it shall be deemed void. However, should the
1037 respondent not appear at the hearing for any reason, including
1038 lack of service, and upon reviewing the petition, testimony, and
1039 evidence presented, the court reasonably believes the respondent
1040 meets this chapter's commitment criteria and that a substance
1041 abuse emergency exists, the court may issue or reissue an ex
1042 parte assessment and stabilization order that is valid for 90
1043 days. If the respondent's location is known at the time of the
1044 hearing, the court:

1045 1. Shall continue the case for no more than 10 court
1046 working days; and

1047 2. May order a law enforcement officer or other designated
1048 agent of the court to:

1049 a. Take the respondent into custody and deliver him or her
1050 to be evaluated either by the nearest appropriate licensed

1051 service provider or by a licensed service provider designated by
 1052 the court; and

1053 b. If a hearing date is set, serve the respondent with
 1054 notice of the rescheduled hearing and a copy of the involuntary
 1055 treatment petition if the respondent has not already been
 1056 served.

1057
 1058 Otherwise, the petitioner and the service provider must promptly
 1059 inform the court that the respondent has been assessed so that
 1060 the court may schedule a hearing as soon as practicable. The
 1061 service provider must serve the respondent, before his or her
 1062 discharge, with the notice of hearing and a copy of the
 1063 petition. However, if the respondent has not been assessed
 1064 within 90 days, the court must dismiss the case.

1065 Section 30. Section 397.6957, Florida Statutes, is amended
 1066 to read:

1067 397.6957 Hearing on petition for involuntary treatment
 1068 services.—

1069 (1)(a) The respondent must be present at a hearing on a
 1070 petition for involuntary treatment services unless he or she
 1071 knowingly, intelligently, and voluntarily waives his or her
 1072 right to be present or, upon receiving proof of service and
 1073 evaluating the circumstances of the case, the court finds that
 1074 his or her presence is inconsistent with his or her best
 1075 interests or is likely to be injurious to himself or herself or

1076 others. The court shall hear and review all relevant evidence,
1077 including testimony from individuals such as family members
1078 familiar with the respondent's prior history and how it relates
1079 to his or her current condition, and the ~~review of~~ results of
1080 the assessment completed by the qualified professional in
1081 connection with this chapter. The court may also order drug
1082 tests. Upon a showing of good cause, including, but not limited
1083 to, such as specific symptoms of the respondent's condition, and
1084 if all parties consent, the court may permit all witnesses, such
1085 as any medical professionals or personnel who are or have been
1086 involved with the respondent's treatment, to remotely attend and
1087 testify at the hearing under oath via audio-video
1088 teleconference. Any witness intending to remotely attend and
1089 testify at the hearing must provide the parties with all
1090 relevant documents by the close of business on the day before
1091 the hearing ~~the respondent's protective custody, emergency~~
1092 ~~admission, involuntary assessment, or alternative involuntary~~
1093 ~~admission. The respondent must be present unless the court finds~~
1094 ~~that his or her presence is likely to be injurious to himself or~~
1095 ~~herself or others, in which event the court must appoint a~~
1096 ~~guardian advocate to act in behalf of the respondent throughout~~
1097 ~~the proceedings.~~

1098 (b) A respondent cannot be involuntarily ordered into
1099 treatment under this chapter without a clinical assessment being
1100 performed, unless he or she is present in court and expressly

1101 waives the assessment. In nonemergency situations, if the
1102 respondent was not, or had previously refused to be, assessed by
1103 a qualified professional and, based on the petition, testimony,
1104 and evidence presented, it reasonably appears that the
1105 respondent qualifies for involuntary treatment services, the
1106 court shall issue an involuntary assessment and stabilization
1107 order to determine the appropriate level of treatment the
1108 respondent requires. Additionally, in cases where an assessment
1109 was attached to the petition, the respondent may request, or the
1110 court on its own motion may order, an independent assessment by
1111 a court-appointed physician or an otherwise agreed-upon
1112 physician. If an assessment order is issued, it is valid for 90
1113 days, and if the respondent is present or there is either proof
1114 of service or his or her location is known, the involuntary
1115 treatment hearing shall be continued for no more than 10 court
1116 working days. Otherwise, the petitioner and the service provider
1117 must promptly inform the court that the respondent has been
1118 assessed so that the court may schedule a hearing as soon as
1119 practicable. The service provider shall then serve the
1120 respondent, before his or her discharge, with the notice of
1121 hearing and a copy of the petition. The assessment must occur
1122 before the new hearing date, and if there is evidence indicating
1123 that the respondent will not voluntarily appear at the
1124 forthcoming hearing, or is a danger to self or others, the court
1125 may enter a preliminary order committing the respondent to an

1126 appropriate treatment facility for further evaluation until the
1127 date of the rescheduled hearing. However, if after 90 days the
1128 respondent remains unassessed, the court shall dismiss the case.

1129 (c)1. The respondent's assessment by a qualified
1130 professional must occur within 72 hours after his or her arrival
1131 at a licensed service provider unless he or she shows signs of
1132 withdrawal or a need to be either detoxified or treated for a
1133 medical condition, which shall extend the amount of time the
1134 respondent may be held for observation until that issue is
1135 resolved. If the person conducting the assessment is not a
1136 licensed physician, the assessment must be reviewed by a
1137 licensed physician within the 72-hour period. If the respondent
1138 is a minor, such assessment must be initiated within the first
1139 12 hours after the minor's admission to the facility. The
1140 service provider may also move to extend the 72 hours of
1141 observation by petitioning the court in writing for additional
1142 time. The service provider must furnish copies of such motion to
1143 all parties in accordance with applicable confidentiality
1144 requirements, and, after a hearing, the court may grant
1145 additional time or expedite the respondent's involuntary
1146 treatment hearing. The involuntary treatment hearing, however,
1147 may be expedited only by agreement of the parties on the hearing
1148 date or if there is notice and proof of service as provided in
1149 s. 397.6955(1) and (3). If the court grants the service
1150 provider's petition, the service provider may hold the

1151 respondent until its extended assessment period expires or until
1152 the expedited hearing date. However, if the original or extended
1153 observation period ends on a weekend or holiday, the provider
1154 may hold the respondent until the next court working day.

1155 2. Upon the completion of his or her report, the qualified
1156 professional, in accordance with applicable confidentiality
1157 requirements, shall provide copies to the court and all relevant
1158 parties and counsel. This report must contain a recommendation
1159 on the level, if any, of substance abuse and, if applicable, co-
1160 occurring mental health treatment the respondent requires. The
1161 qualified professional's failure to include a treatment
1162 recommendation, much like a recommendation of no treatment,
1163 shall result in the petition's dismissal.

1164 (d) The court may order a law enforcement officer or other
1165 designated agent of the court to take the respondent into
1166 custody and transport him or her to or from the treating or
1167 assessing service provider and the court for his or her hearing.

1168 (2) The petitioner has the burden of proving by clear and
1169 convincing evidence that:

1170 (a) The respondent is substance abuse impaired ~~and~~ has a
1171 history of lack of compliance with treatment for substance
1172 abuse; and

1173 (b) Because of such impairment the respondent is unlikely
1174 to voluntarily participate in the recommended services or is
1175 unable to determine for himself or herself whether services are

1176 necessary and:

1177 1. Without services, the respondent is likely to suffer
 1178 from neglect or refuse to care for himself or herself; that such
 1179 neglect or refusal poses a real and present threat of
 1180 substantial harm to his or her well-being; and that there is a
 1181 substantial likelihood that without services the respondent will
 1182 cause serious bodily harm to himself, herself, or another in the
 1183 near future, as evidenced by recent behavior; or

1184 2. The respondent's refusal to voluntarily receive care is
 1185 based on judgment so impaired by reason of substance abuse that
 1186 the respondent is incapable of appreciating his or her need for
 1187 care and of making a rational decision regarding that need for
 1188 care.

1189 ~~(3) One of the qualified professionals who executed the~~
 1190 ~~involuntary services certificate must be a witness. The court~~
 1191 ~~shall allow testimony from individuals, including family~~
 1192 ~~members, deemed by the court to be relevant under state law,~~
 1193 ~~regarding the respondent's prior history and how that prior~~
 1194 ~~history relates to the person's current condition. The Testimony~~
 1195 in the hearing must be taken under oath, and the proceedings
 1196 must be recorded. The respondent ~~patient~~ may refuse to testify
 1197 at the hearing.

1198 (4) If at any point during the hearing the court has
 1199 reason to believe that the respondent, due to mental illness
 1200 other than or in addition to substance abuse impairment, is

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1201 likely to neglect or injure himself, herself, or another if
1202 allowed to remain at liberty, or otherwise meets the involuntary
1203 commitment provisions of part I of chapter 394, the court may
1204 initiate involuntary examination proceedings under such
1205 provisions.

1206 (5)~~(4)~~ At the conclusion of the hearing, the court shall
1207 either dismiss the petition or order the respondent to receive
1208 involuntary treatment services from his or her chosen licensed
1209 service provider if possible and appropriate. Any treatment
1210 order must include findings regarding the respondent's need for
1211 treatment and the appropriateness of other less restrictive
1212 alternatives.

1213 Section 31. Section 397.697, Florida Statutes, is amended
1214 to read:

1215 397.697 Court determination; effect of court order for
1216 involuntary treatment services.-

1217 (1)(a) When the court finds that the conditions for
1218 involuntary treatment services have been proved by clear and
1219 convincing evidence, it may order the respondent to receive
1220 involuntary treatment services from a publicly funded licensed
1221 service provider for a period not to exceed 90 days. The court
1222 may also order a respondent to undergo treatment through a
1223 privately funded licensed service provider if the respondent has
1224 the ability to pay for the treatment, or if any person on the
1225 respondent's behalf voluntarily demonstrates a willingness and

1226 an ability to pay for the treatment. If the court finds it
1227 necessary, it may direct the sheriff to take the respondent into
1228 custody and deliver him or her to the licensed service provider
1229 specified in the court order, or to the nearest appropriate
1230 licensed service provider, for involuntary treatment services.
1231 When the conditions justifying involuntary treatment services no
1232 longer exist, the individual must be released as provided in s.
1233 397.6971. When the conditions justifying involuntary treatment
1234 services are expected to exist after 90 days of treatment
1235 services, a renewal of the involuntary treatment services order
1236 may be requested pursuant to s. 397.6975 before the end of the
1237 90-day period.

1238 (b) To qualify for involuntary outpatient treatment, an
1239 individual must be supported by a social worker or case manager
1240 of a licensed service provider or a willing, able, and
1241 responsible individual appointed by the court who shall inform
1242 the court and parties if the respondent fails to comply with his
1243 or her outpatient program. In addition, unless the respondent
1244 has been involuntarily ordered into inpatient treatment under
1245 this chapter at least twice during the last 36 months, or
1246 demonstrates the ability to substantially comply with the
1247 outpatient treatment while waiting for residential placement to
1248 become available, he or she must receive an assessment from a
1249 qualified professional or licensed physician expressly
1250 recommending outpatient services, such services must be

1251 available in the county in which the respondent is located, and
1252 it must appear likely that the respondent will follow a
1253 prescribed outpatient care plan.

1254 (2) In all cases resulting in an order for involuntary
1255 treatment services, the court shall retain jurisdiction over the
1256 case and the parties for the entry of such further orders as the
1257 circumstances may require. The court's requirements for
1258 notification of proposed release must be included in the
1259 original order.

1260 (3) An involuntary treatment services order also
1261 authorizes the licensed service provider to require the
1262 individual to receive treatment services that will benefit him
1263 or her, including treatment services at any licensable service
1264 component of a licensed service provider. While subject to the
1265 court's oversight, the service provider's authority under this
1266 section is separate and distinct from the court's broad
1267 continuing jurisdiction under subsection (2). Such oversight
1268 includes, but is not limited to, submitting reports regarding
1269 the respondent's progress or compliance with treatment as
1270 required by the court.

1271 (4) If the court orders involuntary treatment services, a
1272 copy of the order must be sent to the managing entity within 1
1273 working day after it is received from the court. Documents may
1274 be submitted electronically through ~~though~~ existing data
1275 systems, if applicable. The department shall also receive and

1276 maintain copies of involuntary assessment and treatment orders
1277 issued pursuant to ss. 397.6955 and 397.6957, professional
1278 certificates, and law enforcement officers' protective custody
1279 reports. These documents shall be used to prepare annual reports
1280 analyzing the data obtained from these documents, without
1281 information identifying patients, and the department shall
1282 provide copies of these reports on its website, beginning July
1283 1, 2023.

1284 Section 32. Section 397.6971, Florida Statutes, is amended
1285 to read:

1286 397.6971 Early release from involuntary treatment
1287 services.—

1288 (1) At any time before the end of the 90-day involuntary
1289 treatment services period, or before the end of any extension
1290 granted pursuant to s. 397.6975, an individual receiving
1291 involuntary treatment services may be determined eligible for
1292 discharge to the most appropriate referral or disposition for
1293 the individual when any of the following apply:

1294 (a) The individual no longer meets the criteria for
1295 involuntary admission and has given his or her informed consent
1296 to be transferred to voluntary treatment status.

1297 (b) If the individual was admitted on the grounds of
1298 likelihood of self-neglect or the infliction of physical harm
1299 upon himself or herself or others, such likelihood no longer
1300 exists.

1301 (c) If the individual was admitted on the grounds of need
 1302 for assessment and stabilization or treatment, accompanied by
 1303 inability to make a determination respecting such need:

- 1304 1. Such inability no longer exists; or
- 1305 2. It is evident that further treatment will not bring
 1306 about further significant improvements in the individual's
 1307 condition.

1308 (d) The individual ~~is~~ no longer needs treatment ~~in need of~~
 1309 services.

1310 (e) The director of the service provider determines that
 1311 the individual is beyond the safe management capabilities of the
 1312 provider.

1313 (2) Whenever a qualified professional determines that an
 1314 individual admitted for involuntary treatment services qualifies
 1315 for early release under subsection (1), the service provider
 1316 shall immediately discharge the individual and must notify all
 1317 persons specified by the court in the original treatment order.

1318 Section 33. Section 397.6975, Florida Statutes, is amended
 1319 to read:

1320 397.6975 Extension of involuntary treatment services
 1321 period.-

1322 (1) Whenever a service provider believes that an
 1323 individual who is nearing the scheduled date of his or her
 1324 release from involuntary treatment services continues to meet
 1325 the criteria for involuntary treatment services in s. 397.693 or

1326 s. 397.6957, a petition for renewal of the involuntary treatment
 1327 services order must ~~may~~ be filed with the court ~~at least 10 days~~
 1328 before the expiration of the court-ordered services period. The
 1329 petition may be filed by the service provider or by the person
 1330 who filed the petition for the initial treatment order if the
 1331 petition is accompanied by supporting documentation from the
 1332 service provider. The court shall ~~immediately~~ schedule a hearing
 1333 within 10 court working ~~to be held not more than 15~~ days after
 1334 filing of the petition and. ~~The court shall~~ provide the copy of
 1335 the petition for renewal and the notice of the hearing to all
 1336 parties and counsel to the proceeding. The hearing is conducted
 1337 pursuant to ss. 397.6957 and 397.697 and must be before the
 1338 circuit court unless referred to a magistrate ~~s. 397.6957~~.

1339 (2) If the court finds that the petition for renewal of
 1340 ~~the~~ involuntary treatment services ~~order~~ should be granted, it
 1341 may order the respondent to receive involuntary treatment
 1342 services for a period not to exceed an additional 90 days. When
 1343 the conditions justifying involuntary treatment services no
 1344 longer exist, the individual must be released as provided in s.
 1345 397.6971. When the conditions justifying involuntary treatment
 1346 services continue to exist after an additional 90 days of
 1347 treatment service, a new petition requesting renewal of the
 1348 involuntary treatment services order may be filed pursuant to
 1349 this section.

1350 ~~(3) Within 1 court working day after the filing of a~~

1351 ~~petition for continued involuntary services, the court shall~~
1352 ~~appoint the office of criminal conflict and civil regional~~
1353 ~~counsel to represent the respondent, unless the respondent is~~
1354 ~~otherwise represented by counsel. The clerk of the court shall~~
1355 ~~immediately notify the office of criminal conflict and civil~~
1356 ~~regional counsel of such appointment. The office of criminal~~
1357 ~~conflict and civil regional counsel shall represent the~~
1358 ~~respondent until the petition is dismissed or the court order~~
1359 ~~expires or the respondent is discharged from involuntary~~
1360 ~~services. Any attorney representing the respondent shall have~~
1361 ~~access to the respondent, witnesses, and records relevant to the~~
1362 ~~presentation of the respondent's case and shall represent the~~
1363 ~~interests of the respondent, regardless of the source of payment~~
1364 ~~to the attorney.~~

1365 ~~(4) Hearings on petitions for continued involuntary~~
1366 ~~services shall be before the circuit court. The court may~~
1367 ~~appoint a magistrate to preside at the hearing. The procedures~~
1368 ~~for obtaining an order pursuant to this section shall be in~~
1369 ~~accordance with s. 397.697.~~

1370 ~~(5) Notice of hearing shall be provided to the respondent~~
1371 ~~or his or her counsel. The respondent and the respondent's~~
1372 ~~counsel may agree to a period of continued involuntary services~~
1373 ~~without a court hearing.~~

1374 ~~(6) The same procedure shall be repeated before the~~
1375 ~~expiration of each additional period of involuntary services.~~

1376 ~~(7) If the respondent has previously been found~~
 1377 ~~incompetent to consent to treatment, the court shall consider~~
 1378 ~~testimony and evidence regarding the respondent's competence.~~

1379 Section 34. Section 397.6977, Florida Statutes, is amended
 1380 to read:

1381 397.6977 Disposition of individual upon completion of
 1382 involuntary treatment services.—At the conclusion of the 90-day
 1383 period of court-ordered involuntary treatment services, the
 1384 respondent is automatically discharged unless a motion for
 1385 renewal of the involuntary treatment services order has been
 1386 filed with the court pursuant to s. 397.6975.

1387 Section 35. Section 397.6978, Florida Statutes, is
 1388 repealed.

1389 Section 36. Paragraph (c) of subsection (7) of section
 1390 394.4655, Florida Statutes, is amended to read:

1391 394.4655 Involuntary outpatient services.—

1392 (7) HEARING ON INVOLUNTARY OUTPATIENT SERVICES.—

1393 (c) If, at any time before the conclusion of the initial
 1394 hearing on involuntary outpatient services, it appears to the
 1395 court that the person does not meet the criteria for involuntary
 1396 outpatient services under this section but, instead, meets the
 1397 criteria for involuntary inpatient placement, the court may
 1398 order the person admitted for involuntary inpatient examination
 1399 under s. 394.463. If the person instead meets the criteria for
 1400 involuntary assessment, protective custody, or involuntary

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1401 admission pursuant to s. 397.675, the court may order the person
1402 to be admitted for involuntary assessment ~~for a period of 5 days~~
1403 pursuant to s. 397.6957 ~~s. 397.6811~~. Thereafter, all proceedings
1404 are governed by chapter 397.

1405 Section 37. For the 2022-2023 fiscal year, the sum of
1406 \$633,000 in recurring funds from the General Revenue Fund is
1407 appropriated to the Department of Children and Families for the
1408 purpose of implementing this act.

1409 Section 38. This act shall take effect July 1, 2022.