

Committee on Children, Families, and Elder Affairs

CS/CS/HB 7021 — Mental Health and Substance Abuse

by Health & Human Services Committee; Health Care Appropriations Subcommittee; Children, Families & Seniors Subcommittee; and Rep. Maney and others (CS/SB 1784 by Fiscal Policy Committee and Senator Grall)

In Florida, the Baker Act provides a legal procedure for voluntary and involuntary mental health examination and treatment. The Marchman Act addresses substance abuse through a comprehensive system of prevention, detoxification, and treatment services. The Department of Children and Families (DCF) is the single state authority for substance abuse and mental health treatment services in Florida.

The bill makes substantive changes to both Florida's Baker and Marchman Acts by combining processes for courts to order individuals to involuntary outpatient services and involuntary inpatient placement in the Baker Act, to streamline the process for obtaining involuntary services, and providing more flexibility for courts to meet individuals' treatment needs. The bill also repeals existing provisions for court-ordered involuntary assessments and stabilization in the Marchman Act, and creates a new consolidated involuntary treatment process.

The bill amends the Baker Act in that it:

- Combines and streamlines processes for courts to order individuals to involuntary outpatient services and involuntary inpatient placement.
- Provides cleaner and clearer processes for courts to meet an individuals' treatment needs and provides needed flexibility to order outpatient services over inpatient placement or both when necessary.
- Prohibits courts from ordering an individual with a developmental disability who lacks a co-occurring mental illness to a state mental health treatment facility for involuntary inpatient placement.
- Authorizes certain parties and witnesses to appear remotely.
- Allows an individual to be admitted as a civil patient in a state mental health treatment facility without a transfer evaluation and prohibits a court, in a hearing for placement in a treatment facility, from considering substantive information in the transfer evaluation unless the evaluator testifies at the hearing.
- Allows for consideration of the patient's treatment history at the facility and any information regarding the patient's condition and behavior provided by knowledgeable individuals to be considered in the criteria for involuntary examination.
- Allows the court to retain jurisdiction to enter further orders as needed.

The bill amends the Marchman Act in that it:

- Repeals existing provisions for court-ordered involuntary assessments and stabilization in the Marchman Act, and creates a new consolidated involuntary treatment process.
- Authorizes witnesses to appear remotely.
- Allows an individual to be admitted as a civil patient in a state mental health treatment facility without a transfer evaluation.

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- Prohibits a court, in a hearing for placement in a treatment facility, from considering substantive information in the transfer evaluation unless the evaluator testifies at the hearing.

For both the Baker and Marchman Acts, the bill:

- Creates a more comprehensive and personalized discharge planning process.
- Requires specific information to be included in court orders requiring involuntary services.
- Requires the DCF to publish certain specified reports on its website.
- Removes limitations on advance practice registered nurses and physician assistants serving the physical health needs of individuals receiving psychiatric care.
- Allows a psychiatric nurse to release a patient from a receiving facility if certain criteria are met.
- Removes the 30-bed cap for crisis stabilization units.

The bill also creates the Office of Children’s Behavioral Health Ombudsman to be a central point to receive complaints on behalf of children and adolescents with behavioral health disorders receiving services to use such information to improve the child and adolescent mental health treatment and support system.

The bill appropriates \$50,000,000 to the Department of Children and Families to implement the substantive provisions of the bill and fund the likely increase in outpatient services orders.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2024.

Vote: Senate 39-0; House 111-0