

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

| | | |
|-----------------------|-------------|-------|
| ADOPTED | <u> </u> | (Y/N) |
| ADOPTED AS AMENDED | <u> </u> | (Y/N) |
| ADOPTED W/O OBJECTION | <u> </u> | (Y/N) |
| FAILED TO ADOPT | <u> </u> | (Y/N) |
| WITHDRAWN | <u> </u> | (Y/N) |
| OTHER | <u> </u> | |

1 Committee/Subcommittee hearing bill: Children, Families &
2 Seniors Subcommittee
3 Representative Maney offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
7 Section 1. Subsection (23) of section 394.455, Florida
8 Statutes, is amended to read:

9 394.455 Definitions.—As used in this part, the term:

10 (23) "Involuntary examination" means an examination
11 performed under s. 394.463, s. 397.6772, s. 397.679, s.
12 397.6798, or s. 397.6957 ~~s. 397.6811~~ to determine whether a
13 person qualifies for involuntary services.

14 Section 2. Paragraph (c) of subsection (5) of section
15 394.459, Florida Statutes, is amended and subsection (13) is
16 added to that section read:

532835 - h1143-strike all.docx

Published On: 1/24/2022 7:30:26 PM

Amendment No.1

17 394.459 Rights of patients.—

18 (5) COMMUNICATION, ABUSE REPORTING, AND VISITS.—

19 (c) Each facility must permit immediate access to any
20 patient, subject to the patient's right to deny or withdraw
21 consent at any time, by the patient's family members, guardian,
22 guardian advocate, representative, Florida statewide or local
23 advocacy council, or attorney, unless such access would be
24 detrimental to the patient. If a patient's right to communicate
25 or to receive visitors is restricted by the facility, written
26 notice of such restriction and the reasons for the restriction
27 shall be served on the patient, the patient's attorney, and the
28 patient's guardian, guardian advocate, or representative; and
29 such restriction shall be recorded on the patient's clinical
30 record with the reasons therefor. The restriction of a patient's
31 right to communicate or to receive visitors shall be reviewed at
32 least every 72 hours, or no later than the next working day if
33 such period ends on a weekend or holiday ~~7 days~~. The right to
34 communicate or receive visitors shall not be restricted as a
35 means of punishment. Nothing in this paragraph shall be
36 construed to limit the provisions of paragraph (d).

37 (11) RIGHT TO PARTICIPATE IN TREATMENT AND DISCHARGE
38 PLANNING.—

39 (a) The patient shall have the opportunity to participate
40 in treatment and discharge planning and shall be notified in
41 writing of his or her right, upon discharge from the facility,

532835 - h1143-strike all.docx

Published On: 1/24/2022 7:30:26 PM

Amendment No.1

42 to seek treatment from the professional or agency of the
43 patient's choice.

44 (b) Upon discharge, the facility must provide, in writing,
45 information to a patient with a serious mental illness about
46 services available in the patient's geographic area that would
47 assist in the patient's recovery.

48 Section 3. Subsection (2) of section 394.461, Florida
49 Statutes, is amended to read:

50 394.461 Designation of receiving and treatment facilities
51 and receiving systems.—The department is authorized to designate
52 and monitor receiving facilities, treatment facilities, and
53 receiving systems and may suspend or withdraw such designation
54 for failure to comply with this part and rules adopted under
55 this part. Unless designated by the department, facilities are
56 not permitted to hold or treat involuntary patients under this
57 part.

58 (2) TREATMENT FACILITY.—The department may designate any
59 state-owned, state-operated, or state-supported facility as a
60 state treatment facility. A civil patient may ~~shall~~ not be
61 admitted to a state treatment facility without previously
62 undergoing a transfer evaluation. Before the close of the
63 state's case in chief in a court hearing for involuntary
64 placement ~~in a state treatment facility~~, the state may establish
65 that the transfer evaluation was performed and the document
66 properly executed by providing the court with a copy of the

532835 - h1143-strike all.docx

Published On: 1/24/2022 7:30:26 PM

Amendment No.1

67 transfer evaluation. The court may not ~~court shall receive and~~
68 consider the substantive information ~~documented~~ in the transfer
69 evaluation unless the evaluator or currently treating provider
70 testifies at the hearing. Any other facility, including a
71 private facility or a federal facility, may be designated as a
72 treatment facility by the department, provided that such
73 designation is agreed to by the appropriate governing body or
74 authority of the facility.

75 (4) REPORTING REQUIREMENTS.—

76 (a) A facility designated as a public receiving or
77 treatment facility under this section shall report to the
78 department on an annual basis the following data, unless these
79 data are currently being submitted to the Agency for Health Care
80 Administration:

- 81 1. Number of licensed beds.
- 82 2. Number of contract days.
- 83 3. Number of admissions by payor class and diagnoses.
- 84 4. Number of bed days by payor class.
- 85 5. Average length of stay by payor class.
- 86 6. Total revenues by payor class.

87 (b) For the purposes of this subsection, "payor class"
88 means Medicare, Medicare HMO, Medicaid, Medicaid HMO, private-
89 pay health insurance, private-pay health maintenance
90 organization, private preferred provider organization, the

Amendment No.1

91 Department of Children and Families, other government programs,
92 self-pay patients, and charity care.

93 (c) The facility must inform the department of any person
94 who has been examined or committed three or more times at its
95 facility under this chapter within a 12-month period.

96 (d)-(e) The data required under this subsection shall be
97 submitted to the department no later than 90 days following the
98 end of the facility's fiscal year.

99 (e)-(d) The department shall issue an annual report based
100 on the data required pursuant to this subsection. The report
101 shall include individual facilities' data, as well as statewide
102 totals. The report shall be submitted to the Governor, the
103 President of the Senate, and the Speaker of the House of
104 Representatives.

105 Section 4. Section 394.462, Florida Statutes, is amended
106 to read:

107 394.462 Transportation.—A transportation plan shall be
108 developed and implemented by each county in collaboration with
109 the managing entity in accordance with this section. A county
110 may enter into a memorandum of understanding with the governing
111 boards of nearby counties to establish a shared transportation
112 plan. When multiple counties enter into a memorandum of
113 understanding for this purpose, the counties shall notify the
114 managing entity and provide it with a copy of the agreement. The
115 transportation plan shall describe methods of transport to a

532835 - h1143-strike all.docx

Published On: 1/24/2022 7:30:26 PM

Amendment No.1

116 facility within the designated receiving system for individuals
117 subject to involuntary examination under s. 394.463 or
118 involuntary admission under s. 397.6772, s. 397.679, s.
119 397.6798, or s. 397.6957 ~~s. 397.6811~~, and may identify
120 responsibility for other transportation to a participating
121 facility when necessary and agreed to by the facility. The plan
122 may rely on emergency medical transport services or private
123 transport companies, as appropriate. The plan shall comply with
124 the transportation provisions of this section and ss. 397.6772,
125 397.6795, ~~397.6822~~, and 397.697.

126 (1) TRANSPORTATION TO A RECEIVING FACILITY.—

127 (a) Each county shall designate a single law enforcement
128 agency within the county, or portions thereof, to take a person
129 into custody upon the entry of an ex parte order or the
130 execution of a certificate for involuntary examination by an
131 authorized professional and to transport that person to the
132 appropriate facility within the designated receiving system
133 pursuant to a transportation plan.

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

136 a. The jurisdiction designated by the county has
137 contracted on an annual basis with an emergency medical
138 transport service or private transport company for
139 transportation of persons to receiving facilities pursuant to
140 this section at the sole cost of the county; and

Amendment No.1

141 b. The law enforcement agency and the emergency medical
142 transport service or private transport company agree that the
143 continued presence of law enforcement personnel is not necessary
144 for the safety of the person or others.

145 2. The entity providing transportation may seek
146 reimbursement for transportation expenses. The party responsible
147 for payment for such transportation is the person receiving the
148 transportation. The county shall seek reimbursement from the
149 following sources in the following order:

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

152 b. From the person receiving the transportation.

153 c. From a financial settlement for medical care,
154 treatment, hospitalization, or transportation payable or
155 accruing to the injured party.

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

161 (d) Any company that contracts with a governing board of a
162 county to transport patients shall comply with the applicable
163 rules of the department to ensure the safety and dignity of
164 patients.

165 (e) When a law enforcement officer takes custody of a

Amendment No.1

166 person pursuant to this part, the officer may request assistance
167 from emergency medical personnel if such assistance is needed
168 for the safety of the officer or the person in custody.

169 (f) When a member of a mental health overlay program or a
170 mobile crisis response service is a professional authorized to
171 initiate an involuntary examination pursuant to s. 394.463 or s.
172 397.675 and that professional evaluates a person and determines
173 that transportation to a receiving facility is needed, the
174 service, at its discretion, may transport the person to the
175 facility or may call on the law enforcement agency or other
176 transportation arrangement best suited to the needs of the
177 patient.

178 (g) When any law enforcement officer has custody of a
179 person based on either noncriminal or minor criminal behavior
180 that meets the statutory guidelines for involuntary examination
181 pursuant to s. 394.463, the law enforcement officer shall
182 transport the person to the appropriate facility within the
183 designated receiving system pursuant to a transportation plan.
184 Persons who meet the statutory guidelines for involuntary
185 admission pursuant to s. 397.675 may also be transported by law
186 enforcement officers to the extent resources are available and
187 as otherwise provided by law. Such persons shall be transported
188 to an appropriate facility within the designated receiving
189 system pursuant to a transportation plan.

190 (h) When any law enforcement officer has arrested a person

Amendment No.1

191 for a felony and it appears that the person meets the statutory
192 guidelines for involuntary examination or placement under this
193 part, such person must first be processed in the same manner as
194 any other criminal suspect. The law enforcement agency shall
195 thereafter immediately notify the appropriate facility within
196 the designated receiving system pursuant to a transportation
197 plan. The receiving facility shall be responsible for promptly
198 arranging for the examination and treatment of the person. A
199 receiving facility is not required to admit a person charged
200 with a crime for whom the facility determines and documents that
201 it is unable to provide adequate security, but shall provide
202 examination and treatment to the person where he or she is held.

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

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

213 (k) The appropriate facility within the designated
214 receiving system pursuant to a transportation plan must accept
215 persons brought by law enforcement officers, or an emergency

532835 - h1143-strike all.docx

Published On: 1/24/2022 7:30:26 PM

Amendment No.1

216 medical transport service or a private transport company
217 authorized by the county, for involuntary examination pursuant
218 to s. 394.463.

219 (l) The appropriate facility within the designated
220 receiving system pursuant to a transportation plan must provide
221 persons brought by law enforcement officers, or an emergency
222 medical transport service or a private transport company
223 authorized by the county, pursuant to s. 397.675, a basic
224 screening or triage sufficient to refer the person to the
225 appropriate services.

226 (m) Each law enforcement agency designated pursuant to
227 paragraph (a) shall establish a policy that reflects a single
228 set of protocols for the safe and secure transportation and
229 transfer of custody of the person. Each law enforcement agency
230 shall provide a copy of the protocols to the managing entity.

231 (n) When a jurisdiction has entered into a contract with
232 an emergency medical transport service or a private transport
233 company for transportation of persons to facilities within the
234 designated receiving system, such service or company shall be
235 given preference for transportation of persons from nursing
236 homes, assisted living facilities, adult day care centers, or
237 adult family-care homes, unless the behavior of the person being
238 transported is such that transportation by a law enforcement
239 officer is necessary.

240 (o) This section may not be construed to limit emergency

Amendment No.1

241 examination and treatment of incapacitated persons provided in
242 accordance with s. 401.445.

243 (2) TRANSPORTATION TO A TREATMENT FACILITY.—

244 (a) If neither the patient nor any person legally
245 obligated or responsible for the patient is able to pay for the
246 expense of transporting a voluntary or involuntary patient to a
247 treatment facility, the transportation plan established by the
248 governing board of the county or counties must specify how the
249 hospitalized patient will be transported to, from, and between
250 facilities in a safe and dignified manner.

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

257 (c) A company that contracts with one or more counties to
258 transport patients in accordance with this section shall comply
259 with the applicable rules of the department to ensure the safety
260 and dignity of patients.

261 (d) County or municipal law enforcement and correctional
262 personnel and equipment may not be used to transport patients
263 adjudicated incapacitated or found by the court to meet the
264 criteria for involuntary placement pursuant to s. 394.467,
265 except in small rural counties where there are no cost-efficient

Amendment No.1

266 alternatives.

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

271 Section 5. Paragraph (a) of subsection (1) and subsection
272 (4) of section 394.4625, Florida Statutes, are amended to read:

273 394.4625 Voluntary admissions.—

274 (1) AUTHORITY TO RECEIVE PATIENTS.—

275 (a) A facility may receive for observation, diagnosis, or
276 treatment any person 18 years of age or older who applies ~~making~~
277 ~~application~~ by express and informed consent for admission or any
278 person age 17 or under whose parent or legal guardian applies
279 for admission ~~whom such application is made by his or her~~
280 ~~guardian~~. If found to show evidence of mental illness, to be
281 competent to provide express and informed consent, and to be
282 suitable for treatment, such person 18 years of age or older may
283 be admitted to the facility. A person age 17 or under may be
284 admitted only after a clinical review ~~hearing~~ to verify the
285 voluntariness of the minor's assent ~~consent~~.

286 (4) TRANSFER TO VOLUNTARY STATUS.—An involuntary patient
287 who applies to be transferred to voluntary status shall be
288 transferred to voluntary status immediately, unless the patient
289 has been charged with a crime, or has been involuntarily placed
290 for treatment by a court pursuant to s. 394.467 and continues to

Amendment No.1

291 meet the criteria for involuntary placement. When transfer to
292 voluntary status occurs, notice shall be given as provided in s.
293 394.4599, and if the patient is a minor, the minor's assent to
294 voluntary care must be verified as provided in paragraph (1) (a).

295 Section 6. Subsection (1) and paragraphs (a), (e), (f),
296 (g), and (h) of subsection (2) of section 394.463, Florida
297 Statutes, are amended to read:

298 394.463 Involuntary examination.—

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

303 (a)1. The person has refused voluntary examination after
304 conscientious explanation and disclosure of the purpose of the
305 examination; or

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

308 (b)1. Without care or treatment, the person is likely to
309 suffer from neglect or refuse to care for himself or herself;
310 such neglect or refusal poses a real and present threat of
311 substantial harm to his or her well-being; and it is not
312 apparent that such harm may be avoided through the help of
313 willing family members or friends or the provision of other
314 services; or

315 2. There is a substantial likelihood that without care or

Amendment No.1

316 treatment the person will cause serious bodily harm to himself
317 or herself or others in the near future, as evidenced by recent
318 behavior.

319 (2) INVOLUNTARY EXAMINATION.—

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

322 1. A circuit or county court may enter an ex parte order
323 stating that a person appears to meet the criteria for
324 involuntary examination and specifying the findings on which
325 that conclusion is based. The ex parte order for involuntary
326 examination must be based on written or oral sworn testimony
327 that includes specific facts that support the findings. If other
328 less restrictive means are not available, such as voluntary
329 appearance for outpatient evaluation, a law enforcement officer,
330 or other designated agent of the court, shall take the person
331 into custody and deliver him or her to an appropriate, or the
332 nearest, facility within the designated receiving system
333 pursuant to s. 394.462 for involuntary examination. The order of
334 the court shall be made a part of the patient's clinical record.
335 A fee may not be charged for the filing of an order under this
336 subsection. A facility accepting the patient based on this order
337 must send a copy of the order to the department within 5 working
338 days. The order may be submitted electronically through existing
339 data systems, if available. The order shall be valid only until
340 the person is delivered to the facility or for the period

532835 - h1143-strike all.docx

Published On: 1/24/2022 7:30:26 PM

Amendment No.1

341 specified in the order itself, whichever comes first. If a time
342 limit is not specified in the order, the order is valid for 7
343 days after the date that the order was signed.

344 2. A law enforcement officer may ~~shall~~ take a person who
345 appears to meet the criteria for involuntary examination into
346 custody and deliver the person or have him or her delivered to
347 an appropriate, or the nearest, facility within the designated
348 receiving system pursuant to s. 394.462 for examination.

349 A law enforcement officer transporting a person pursuant to this
350 subparagraph shall restrain the person in the least restrictive
351 manner available and appropriate under the circumstances.

352 The officer shall execute a written report detailing the
353 circumstances under which the person was taken into custody,
354 which must be made a part of the patient's clinical record. Any
355 facility accepting the patient based on this report must send a
356 copy of the report to the department within 5 working days.

357 3. A physician, a physician assistant, a clinical
358 psychologist, a psychiatric nurse, an advanced practice
359 registered nurse registered under s. 464.0123, a mental health
360 counselor, a marriage and family therapist, or a clinical social
361 worker may execute a certificate stating that he or she has
362 examined a person within the preceding 48 hours and finds that
363 the person appears to meet the criteria for involuntary
364 examination and stating the observations upon which that
365 conclusion is based. If other less restrictive means, such as

Amendment No.1

366 voluntary appearance for outpatient evaluation, are not
367 available, a law enforcement officer shall take into custody the
368 person named in the certificate and deliver him or her to the
369 appropriate, or nearest, facility within the designated
370 receiving system pursuant to s. 394.462 for involuntary
371 examination. The law enforcement officer shall execute a written
372 report detailing the circumstances under which the person was
373 taken into custody. The report and certificate shall be made a
374 part of the patient's clinical record. Any facility accepting
375 the patient based on this certificate must send a copy of the
376 certificate to the department within 5 working days. The
377 document may be submitted electronically through existing data
378 systems, if applicable.

379
380 When sending the order, report, or certificate to the
381 department, a facility shall, at a minimum, provide information
382 about which action was taken regarding the patient under
383 paragraph (g), which information shall also be made a part of
384 the patient's clinical record.

385 (e) The department shall receive and maintain ~~the~~ copies
386 of ex parte orders, involuntary outpatient services orders
387 issued pursuant to s. 394.4655, involuntary inpatient placement
388 orders issued pursuant to s. 394.467, professional certificates,
389 and law enforcement officers' reports. These documents shall be
390 considered part of the clinical record, governed by the

Amendment No.1

391 provisions of s. 394.4615. These documents shall be used to
392 prepare ~~annual~~ reports at least annually analyzing the data
393 obtained from these documents, without information identifying
394 patients, and the department shall ~~post~~ ~~provide copies of the~~
395 reports on its website ~~to the department, the President of the~~
396 ~~Senate, the Speaker of the House of Representatives, and the~~
397 ~~minority leaders of the Senate and the House of Representatives.~~

398 (f) A patient shall be examined by a physician or a
399 clinical psychologist, or by a psychiatric nurse performing
400 within the framework of an established protocol with a
401 psychiatrist at a facility without unnecessary delay to
402 determine if the criteria for involuntary services are met.
403 Emergency treatment may be provided upon the order of a
404 physician if the physician determines that such treatment is
405 necessary for the safety of the patient or others. The patient
406 may not be released by the receiving facility or its contractor
407 without the documented approval of a psychiatrist ~~or~~ a clinical
408 psychologist or, if the receiving facility is owned or operated
409 by a hospital, ~~or~~ health system, or a nationally accredited
410 community mental health center, the release may also be approved
411 by a psychiatric nurse performing within the framework of an
412 established protocol with a psychiatrist, or an attending
413 emergency department physician with experience in the diagnosis
414 and treatment of mental illness after completion of an
415 involuntary examination pursuant to this subsection. A

532835 - h1143-strike all.docx

Published On: 1/24/2022 7:30:26 PM

Amendment No.1

416 psychiatric nurse may not approve the release of a patient if
417 the involuntary examination was initiated by a psychiatrist
418 unless the release is approved by the initiating psychiatrist.

419 (g) The examination period must be for up to 72 hours and
420 begins when a patient arrives at the receiving facility. For a
421 minor, the examination shall be initiated within 12 hours after
422 the patient's arrival at the facility. Within the examination
423 period or, if the examination period ends on a weekend or
424 holiday, no later than the next working day thereafter, one of
425 the following actions must be taken, based on the individual
426 needs of the patient:

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

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

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

436 4. A petition for involuntary services shall be filed in
437 the circuit court ~~if inpatient treatment is deemed necessary~~ or
438 with the criminal county court, as defined in s. 394.4655(1), as
439 applicable. When inpatient treatment is deemed necessary, the
440 least restrictive treatment consistent with the optimum

532835 - h1143-strike all.docx

Published On: 1/24/2022 7:30:26 PM

Amendment No.1

441 improvement of the patient's condition shall be made available.
442 When a petition is to be filed for involuntary outpatient
443 placement, it shall be filed by one of the petitioners specified
444 in s. 394.4655(4) (a). A petition for involuntary inpatient
445 placement shall be filed by the facility administrator.

446 (h) A person for whom an involuntary examination has been
447 initiated who is being evaluated or treated at a hospital for an
448 emergency medical condition specified in s. 395.002 must be
449 examined by a facility within the examination period specified
450 in paragraph (g). The examination period begins when the patient
451 arrives at the hospital and ceases when the attending physician
452 documents that the patient has an emergency medical condition.
453 If the patient is examined at a hospital providing emergency
454 medical services by a professional qualified to perform an
455 involuntary examination and is found as a result of that
456 examination not to meet the criteria for involuntary outpatient
457 services pursuant to s. 394.4655(2) or involuntary inpatient
458 placement pursuant to s. 394.467(1), the patient may be offered
459 voluntary services or placement, if appropriate, or released
460 directly from the hospital providing emergency medical services.
461 The finding by the professional that the patient has been
462 examined and does not meet the criteria for involuntary
463 inpatient services or involuntary outpatient placement must be
464 entered into the patient's clinical record. This paragraph is
465 not intended to prevent a hospital providing emergency medical

532835 - h1143-strike all.docx

Published On: 1/24/2022 7:30:26 PM

Amendment No.1

466 services from appropriately transferring a patient to another
467 hospital before stabilization if the requirements of s.
468 395.1041(3)(c) have been met.

469 Section 7. Subsections (1) and (5), paragraphs (a), (b),
470 and (c) of subsection (6), and paragraph (d) of subsection (7)
471 of section 394.467, Florida Statutes, are amended to read:

472 394.467 Involuntary inpatient placement.—

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

476 (a) He or she has a mental illness and because of his or
477 her mental illness:

478 1.a. He or she has refused voluntary inpatient placement
479 for treatment after sufficient and conscientious explanation and
480 disclosure of the purpose of inpatient placement for treatment;
481 or

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

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

490 b. There is substantial likelihood that in the near future

Amendment No.1

491 he or she will inflict serious bodily harm on self or others, as
492 evidenced by recent behavior causing, attempting, or threatening
493 such harm; and

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

497 (5) CONTINUANCE OF HEARING.—The patient and the state are
498 independently entitled is entitled, with the concurrence of the
499 patient's counsel, to at least one continuance of the hearing.
500 The patient's continuance may be for a period of ~~for~~ up to 4
501 weeks and requires the concurrence of his or her counsel. The
502 state's continuance may be for a period of up to 5 court working
503 days and requires a showing of good cause and due diligence by
504 the state before requesting the continuance. The state's failure
505 to timely review any readily available document or failure to
506 attempt to contact a known witness does not warrant a
507 continuance.

508 (6) HEARING ON INVOLUNTARY INPATIENT PLACEMENT.—

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

512 2. Except for good cause documented in the court file, the
513 hearing must be held in the county or the facility, as
514 appropriate, where the patient is located, must be as convenient
515 to the patient as is consistent with orderly procedure, and

Amendment No.1

516 shall be conducted in physical settings not likely to be
517 injurious to the patient's condition. If the court finds that
518 the patient's attendance at the hearing is not consistent with
519 the best interests of, or is likely to be injurious to, the
520 patient, or the patient knowingly, intelligently, and
521 voluntarily waives his or her right to be present, and the
522 patient's counsel does not object, the court may waive the
523 presence of the patient from all or any portion of the hearing.
524 Upon a showing of good cause, including but not limited to
525 specific symptoms of the respondent's condition, and if all
526 parties consent, the court may permit all witnesses, including,
527 but not limited to, any medical professionals or personnel who
528 are or have been involved with the patient's treatment, to
529 remotely attend and testify at the hearing under oath via audio-
530 video teleconference. Any witness intending to remotely attend
531 and testify at the hearing must provide the parties with all
532 relevant documents by the close of business on the day before
533 the hearing. The state attorney for the circuit in which the
534 patient is located shall represent the state, rather than the
535 petitioning facility administrator, as the real party in
536 interest in the proceeding. The facility shall make the
537 respondent's clinical records available to the state attorney
538 and the respondent's attorney within 24 hours of the involuntary
539 placement petition's filing so that the state can evaluate and
540 prepare its case before the hearing. However, these records

532835 - h1143-strike all.docx

Published On: 1/24/2022 7:30:26 PM

Amendment No.1

541 shall remain confidential, and the state attorney may not use
542 any record obtained under this part for criminal investigation
543 or prosecution purposes, or for any purpose other than the
544 patient's civil commitment under this chapter.

545 3. The court may appoint a magistrate to preside at the
546 hearing on the petition and any ancillary proceedings thereto.
547 One of the professionals who executed the petition for
548 involuntary inpatient placement certificate shall be a witness.
549 The court shall allow testimony deemed relevant and admissible,
550 pursuant to the Florida Rules of Evidence, from listed
551 individuals regarding the person's prior history and how that
552 history relates to the person's current condition. The patient
553 and the patient's guardian or representative shall be informed
554 by the court of the right to an independent expert examination.
555 If the patient cannot afford such an examination, the court
556 shall ensure that one is provided, as otherwise provided for by
557 law. The independent expert's report is confidential and not
558 discoverable, unless the expert is to be called as a witness for
559 the patient at the hearing. The testimony in the hearing must be
560 given under oath, and the proceedings must be recorded. The
561 patient may refuse to testify at the hearing.

562 (b) If the court concludes that the patient meets the
563 criteria for involuntary inpatient placement, it may order that
564 the patient be transferred to a treatment facility or, if the
565 patient is at a treatment facility, that the patient be retained

532835 - h1143-strike all.docx

Published On: 1/24/2022 7:30:26 PM

Amendment No.1

566 | there or be treated at any other appropriate facility, or that
567 | the patient receive services, on an involuntary basis, for up to
568 | ~~90 days. However, any order for involuntary mental health~~
569 | ~~services in a treatment facility may be for up to 6 months. The~~
570 | order shall specify the nature and extent of the patient's
571 | mental illness, and, unless the patient has transferred to a
572 | voluntary status, the facility must discharge the patient at any
573 | time he or she no longer meets the criteria for involuntary
574 | inpatient treatment. The court may not order an individual with
575 | a developmental disability as defined in s. 393.063, traumatic
576 | brain injury, or dementia who lacks a co-occurring mental
577 | illness to be involuntarily placed in a state treatment
578 | facility. ~~The facility shall discharge a patient any time the~~
579 | ~~patient no longer meets the criteria for involuntary inpatient~~
580 | ~~placement, unless the patient has transferred to voluntary~~
581 | ~~status.~~

582 | (c) If at any time before the conclusion of the
583 | involuntary placement hearing ~~on involuntary inpatient placement~~
584 | it appears to the court that the person does not meet the
585 | criteria of ~~for involuntary inpatient placement under this~~
586 | section, but instead meets the criteria for involuntary
587 | outpatient services, the court may order the person evaluated
588 | for involuntary outpatient services pursuant to s. 394.4655. The
589 | petition and hearing procedures set forth in s. 394.4655 shall
590 | apply. If the person instead meets the criteria for involuntary

532835 - h1143-strike all.docx

Published On: 1/24/2022 7:30:26 PM

Amendment No.1

591 assessment, protective custody, or involuntary admission or
592 treatment pursuant to s. 397.675, ~~then~~ the court may order the
593 person to be admitted for involuntary assessment ~~for a period of~~
594 ~~5 days~~ pursuant to s. 397.6957 ~~s. 397.6811~~. Thereafter, all
595 proceedings are governed by chapter 397.

596 (7) PROCEDURE FOR CONTINUED INVOLUNTARY INPATIENT
597 PLACEMENT.—

598 (d) If at a hearing it is shown that the patient continues
599 to meet the criteria for involuntary inpatient placement, the
600 administrative law judge shall sign the order for continued
601 involuntary inpatient placement for up to ~~90 days~~. ~~However, any~~
602 ~~order for involuntary mental health services in a treatment~~
603 ~~facility may be for up to~~ 6 months. The same procedure shall be
604 repeated before the expiration of each additional period the
605 patient is retained.

606
607 The procedure required in this subsection must be followed
608 before the expiration of each additional period the patient is
609 involuntarily receiving services.

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

612 394.495 Child and adolescent mental health system of care;
613 programs and services.—

614 (3) Assessments must be performed by:

615 (a) A clinical psychologist, clinical social worker,

Amendment No.1

616 physician, psychiatric nurse, or psychiatrist, as those terms
617 are defined in s. 394.455 ~~professional as defined in s.~~
618 ~~394.455(5), (7), (33), (36), or (37);~~

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

620 (c) A person who is under the direct supervision of a
621 clinical psychologist, clinical social worker, physician,
622 psychiatric nurse, or psychiatrist, as those terms are defined
623 in s. 394.455, ~~qualified professional as defined in s.~~
624 ~~394.455(5), (7), (33), (36), or (37)~~ or a professional licensed
625 under chapter 491.

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

628 394.496 Service planning.—

629 (5) A clinical psychologist, clinical social worker,
630 physician, psychiatric nurse, or psychiatrist, as those terms
631 are defined in s. 394.455, ~~professional as defined in s.~~
632 ~~394.455(5), (7), (33), (36), or (37)~~ or a professional licensed
633 under chapter 491 must be included among those persons
634 developing the services plan.

635 Section 10. Paragraph (a) of subsection (2) of section
636 394.499, Florida Statutes, is amended to read:

637 394.499 Integrated children's crisis stabilization
638 unit/juvenile addictions receiving facility services.—

639 (2) Children eligible to receive integrated children's
640 crisis stabilization unit/juvenile addictions receiving facility

Amendment No.1

641 services include:

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

649 Section 11. Paragraph (c) of subsection (3) is amended,
650 and subsection (d) is added to that subsection, and subsection
651 (5) of section 394.9086, Florida Statutes, are amended to read:

652 394.9086 Commission on Mental Health and Substance Abuse.—

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

654 (c) The commission shall convene no later than September
655 1, 2021. The commission shall meet quarterly or upon the call of
656 the chair. The commission may ~~shall~~ hold its meetings in-person
657 or via teleconference or other electronic means.

658 (d) Members of the commission are entitled to receive
659 reimbursement for per diem and travel expenses pursuant to s.
660 112.061.

661 (e) Notwithstanding any other law, the commission may
662 request and shall be provided with access to any information or
663 records, including exempt or confidential and exempt information
664 or records, which are necessary for the commission to carry out
665 its duties. Information or records obtained by the commission

Amendment No.1

666 which are otherwise exempt or confidential and exempt shall
667 retain such exempt or confidential and exempt status, and the
668 commission may not disclose any such information or records.

669 (5) REPORTS.—By January 1, 2023 ~~September 1, 2022~~, the
670 commission shall submit an interim report to the President of
671 the Senate, the Speaker of the House of Representatives, and the
672 Governor containing its findings and recommendations on how to
673 best provide and facilitate mental health and substance abuse
674 services in the state. The commission shall submit its final
675 report to the President of the Senate, the Speaker of the House
676 of Representatives, and the Governor by September 1, 2023.

677 Section 12. Subsection (3) of section 397.305, Florida
678 Statutes, is amended to read:

679 397.305 Legislative findings, intent, and purpose.—

680 (3) It is the purpose of this chapter to provide for a
681 comprehensive continuum of accessible and quality substance
682 abuse prevention, intervention, clinical treatment, and recovery
683 support services in the most appropriate and least restrictive
684 environment which promotes long-term recovery while protecting
685 and respecting the rights of individuals, primarily through
686 community-based private not-for-profit providers working with
687 local governmental programs involving a wide range of agencies
688 from both the public and private sectors.

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

532835 - h1143-strike all.docx

Published On: 1/24/2022 7:30:26 PM

Amendment No.1

691 397.311 Definitions.—As used in this chapter, except part
692 VIII, the term:

693 (19) "Impaired" or "substance abuse impaired" means having
694 a substance use disorder or a condition involving the use of
695 alcoholic beverages, illicit or prescription drugs, or any
696 psychoactive or mood-altering substance in such a manner as to
697 induce mental, emotional, or physical problems or ~~and~~ cause
698 socially dysfunctional behavior.

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

703 Section 14. Section 397.341, Florida Statutes, is created
704 to read:

705 397.341 Transportation of individuals by law enforcement
706 officers.—A law enforcement officer transporting an individual
707 pursuant to this chapter shall restrain that individual in the
708 least restrictive manner available and appropriate under the
709 circumstances.

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

712 397.501 Rights of individuals.—Individuals receiving
713 substance abuse services from any service provider are
714 guaranteed protection of the rights specified in this section,
715 unless otherwise expressly provided, and service providers must

Amendment No.1

716 ensure the protection of such rights.

717 (11) POST-DISCHARGE CONTINUUM OF CARE.— A facility must
718 provide in writing to an individual with a substance use
719 disorder who is being discharged from the facility, at a
720 minimum, information about services that are available in the
721 individual's geographic area that would assist in the
722 individual's recovery.

723 Section 16. Section 397.675, Florida Statutes, is amended
724 to read:

725 397.675 Criteria for involuntary admissions, including
726 protective custody, emergency admission, and other involuntary
727 assessment, involuntary treatment, and alternative involuntary
728 assessment for minors, for purposes of assessment and
729 stabilization, and for involuntary treatment.—A person meets the
730 criteria for involuntary admission if there is good faith reason
731 to believe that the person is substance abuse impaired or has a
732 substance use disorder and a co-occurring mental health disorder
733 and, because of such impairment or disorder:

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

736 (2) (a) Is in need of substance abuse services and, by
737 reason of substance abuse impairment, his or her judgment has
738 been so impaired that he or she is incapable of appreciating his
739 or her need for such services and of making a rational decision
740 in that regard, although mere refusal to receive such services

532835 - h1143-strike all.docx

Published On: 1/24/2022 7:30:26 PM

Amendment No.1

741 does not constitute evidence of lack of judgment with respect to
742 his or her need for such services; or

743 (b) Without care or treatment, is likely to suffer from
744 neglect or refuse to care for himself or herself; that such
745 neglect or refusal poses a real and present threat of
746 substantial harm to his or her well-being; and that it is not
747 apparent that such harm may be avoided through the help of
748 willing family members or friends or the provision of other
749 services, or there is substantial likelihood that the person has
750 inflicted, or threatened to or attempted to inflict, or, unless
751 admitted, is likely to inflict, physical harm on himself,
752 herself, or another.

753 Section 17. Subsection (1) of section 397.6751, Florida
754 Statutes, is amended to read:

755 397.6751 Service provider responsibilities regarding
756 involuntary admissions.—

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

758 (a) Ensure that a person who is admitted to a licensed
759 service component meets the admission criteria specified in s.
760 397.675;

761 (b) Ascertain whether the medical and behavioral
762 conditions of the person, as presented, are beyond the safe
763 management capabilities of the service provider;

764 (c) Provide for the admission of the person to the service
765 component that represents the most appropriate and least

Amendment No.1

766 restrictive available setting that is responsive to the person's
767 treatment needs;

768 (d) Verify that the admission of the person to the service
769 component does not result in a census in excess of its licensed
770 service capacity;

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

774 (f) Take all necessary measures to ensure that each
775 individual in treatment is provided with a safe environment, and
776 to ensure that each individual whose medical condition or
777 behavioral problem becomes such that he or she cannot be safely
778 managed by the service component is discharged and referred to a
779 more appropriate setting for care.

780 Section 18. Section 397.681, Florida Statutes, is amended
781 to read:

782 397.681 Involuntary petitions; general provisions; court
783 jurisdiction and right to counsel.—

784 (1) JURISDICTION.—The courts have jurisdiction of
785 ~~involuntary assessment and stabilization petitions and~~
786 involuntary treatment petitions for substance abuse impaired
787 persons, and such petitions must be filed with the clerk of the
788 court in the county where the person is located or resides. The
789 clerk of the court may not charge a fee for the filing of a
790 petition under this section. The chief judge may appoint a

532835 - h1143-strike all.docx

Published On: 1/24/2022 7:30:26 PM

Amendment No.1

791 general or special magistrate to preside over all or part of the
792 proceedings related to the petition or any ancillary matters
793 thereto. The alleged impaired person is named as the respondent.

794 (2) RIGHT TO COUNSEL.—A respondent has the right to
795 counsel at every stage of a proceeding relating to a petition
796 for his or her ~~involuntary assessment and a petition for his or~~
797 ~~her~~ involuntary treatment for substance abuse impairment. A
798 respondent who desires counsel and is unable to afford private
799 counsel has the right to court-appointed counsel and to the
800 benefits of s. 57.081. If the court believes that the respondent
801 needs the assistance of counsel, the court shall appoint such
802 counsel for the respondent without regard to the respondent's
803 wishes. If the respondent is a minor not otherwise represented
804 in the proceeding, the court shall immediately appoint a
805 guardian ad litem to act on the minor's behalf.

806 Section 19. Section 397.6811, Florida Statutes, is
807 repealed.

808 Section 20. Section 397.6814, Florida Statutes, is
809 repealed.

810 Section 21. Section 397.6815, Florida Statutes, is
811 repealed.

812 Section 22. Section 397.6818, Florida Statutes, is
813 repealed.

814 Section 23. Section 397.6819, Florida Statutes, is
815 repealed.

532835 - h1143-strike all.docx

Published On: 1/24/2022 7:30:26 PM

Amendment No.1

816 Section 24. Section 397.6821, Florida Statutes, is
817 repealed.

818 Section 25. Section 397.6822, Florida Statutes, is
819 repealed.

820 Section 26. Section 397.693, Florida Statutes, is amended
821 to read:

822 397.693 Involuntary treatment.—A person may be the subject
823 of a petition for court-ordered involuntary treatment pursuant
824 to this part, if that person:

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

827 (2) ~~(1)~~ Has been placed under protective custody pursuant
828 to s. 397.677 within the previous 10 days;

829 (3) ~~(2)~~ Has been subject to an emergency admission pursuant
830 to s. 397.679 within the previous 10 days; or

831 (4) ~~(3)~~ Has been assessed by a qualified professional
832 within 30 ~~5~~ days;

833 ~~(4) Has been subject to involuntary assessment and~~
834 ~~stabilization pursuant to s. 397.6818 within the previous 12~~
835 ~~days; or~~

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

838 Section 27. Section 397.695, Florida Statutes, is amended
839 to read:

840 397.695 Involuntary treatment services; persons who may

Amendment No.1

841 petition.-

842 (1) If the respondent is an adult, a petition for
843 involuntary treatment services may be filed by the respondent's
844 spouse or legal guardian, any relative, a service provider, or
845 an adult who has direct personal knowledge of the respondent's
846 substance abuse impairment and his or her prior course of
847 assessment and treatment.

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

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

854 Section 28. Section 397.6951, Florida Statutes, is amended
855 to read:

856 397.6951 Contents of petition for involuntary treatment
857 services.-

858 (1) A petition for involuntary treatment services must
859 contain the name of the respondent; the name of the petitioner
860 ~~or petitioners~~; the relationship between the respondent and the
861 petitioner; the name of the respondent's attorney, if known; ~~the~~
862 ~~findings and recommendations of the assessment performed by the~~
863 ~~qualified professional~~; and the factual allegations presented by
864 the petitioner establishing the need for involuntary ~~outpatient~~
865 services for substance abuse impairment. The factual allegations

532835 - h1143-strike all.docx

Published On: 1/24/2022 7:30:26 PM

Amendment No.1

866 must demonstrate:

867 (1) The reason for the petitioner's belief that the
868 respondent is substance abuse impaired;

869 (2) The reason for the petitioner's belief that because of
870 such impairment the respondent Has lost the power of self-
871 control with respect to substance abuse; and

872 (3)(a) The reason the petitioner believes that the
873 respondent has inflicted or is likely to inflict physical harm
874 on himself or herself or others unless the court orders the
875 involuntary services; or

876 (b) The reason the petitioner believes that the
877 respondent's refusal to voluntarily receive care is based on
878 judgment so impaired by reason of substance abuse that the
879 respondent is incapable of appreciating his or her need for care
880 and of making a rational decision regarding that need for care.

881 (2) The petition may be accompanied by a certificate or
882 report of a qualified professional or a licensed physician who
883 examined the respondent within 30 days before the petition was
884 filed. This certificate or report must include the qualified
885 professional's or physician's findings relating to his or her
886 assessment of the patient and his or her treatment
887 recommendations. If the respondent was not assessed before the
888 filing of a treatment petition or refused to submit to an
889 evaluation, the lack of assessment or refusal must be noted in
890 the petition.

532835 - h1143-strike all.docx

Published On: 1/24/2022 7:30:26 PM

Amendment No.1

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

895 Section 29. Section 397.6955, Florida Statutes, is amended
896 to read:

897 397.6955 Duties of court upon filing of petition for
898 involuntary treatment services.-

899 (1) Upon the filing of a petition for involuntary
900 treatment services for a substance abuse impaired person with
901 the clerk of the court, the court shall immediately determine
902 whether the respondent is represented by an attorney or whether
903 the appointment of counsel for the respondent is appropriate.
904 If, based on the contents of the petition, the court appoints
905 counsel for the person, the clerk of the court shall immediately
906 notify the office of criminal conflict and civil regional
907 counsel, created pursuant to s. 27.511, of the appointment. The
908 office of criminal conflict and civil regional counsel shall
909 represent the person until the petition is dismissed, the court
910 order expires, ~~or~~ the person is discharged from involuntary
911 treatment services, or the office is otherwise discharged by the
912 court. An attorney that represents the person named in the
913 petition shall have access to the person, witnesses, and records
914 relevant to the presentation of the person's case and shall
915 represent the interests of the person, regardless of the source

532835 - h1143-strike all.docx

Published On: 1/24/2022 7:30:26 PM

Amendment No.1

916 of payment to the attorney.

917 (2) The court shall schedule a hearing to be held on the
918 petition within 10 court working 5 days unless a continuance is
919 granted. ~~The court may appoint a magistrate to preside at the~~
920 ~~hearing.~~

921 (3) A copy of the petition and notice of the hearing must
922 be provided to the respondent; the respondent's parent,
923 guardian, or legal custodian, in the case of a minor; the
924 respondent's attorney, if known; the petitioner; the
925 respondent's spouse or guardian, if applicable; and such other
926 persons as the court may direct. If the respondent is a minor, a
927 copy of the petition and notice of the hearing must be
928 personally delivered to the respondent. The clerk court shall
929 also issue a summons to the person whose admission is sought,
930 and unless a circuit court's chief judge authorizes
931 disinterested private process servers to serve parties under
932 this chapter, a law enforcement agency must effect service for
933 the initial treatment hearing.

934 (4)(a) When the petitioner asserts that emergency
935 circumstances exist, or when upon review of the petition the
936 court determines that an emergency exists, the court may rely
937 solely on the contents of the petition and, without the
938 appointment of an attorney, enter an ex parte order for the
939 respondent's involuntary assessment and stabilization which must
940 be executed during the period when the hearing on the petition

532835 - h1143-strike all.docx

Published On: 1/24/2022 7:30:26 PM

Amendment No.1

941 for treatment is pending. The court may further order a law
942 enforcement officer or other designated agent of the court to:

943 1. Take the respondent into custody and deliver him or her
944 to either the nearest appropriate licensed service provider or a
945 licensed service provider designated by the court to be
946 evaluated; and

947 2. Serve the respondent with the notice of hearing and a
948 copy of the petition.

949 (b) The service provider must promptly inform the court
950 and parties of the respondent's arrival and may not hold the
951 respondent for longer than 72 hours of observation thereafter,
952 unless:

953 1. The service provider seeks additional time under s.
954 397.6957(1)(c) and the court, after a hearing, grants that
955 motion;

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

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

963 (c) If the ex parte order was not executed by the initial
964 hearing date, it shall be deemed void. However, should the
965 respondent not appear at the hearing for any reason, including

Amendment No.1

966 lack of service, and upon reviewing the petition, testimony, and
967 evidence presented, the court reasonably believes the respondent
968 meets this chapter's commitment criteria and that a substance
969 abuse emergency exists, the court may issue or reissue an ex
970 parte assessment and stabilization order that is valid for 90
971 days. If the respondent's location is known at the time of the
972 hearing, the court:

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

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

977 a. Take the respondent into custody and deliver him or her
978 to be evaluated either by the nearest appropriate licensed
979 service provider or by a licensed service provider designated by
980 the court; and

981 b. If a hearing date is set, serve the respondent with
982 notice of the rescheduled hearing and a copy of the involuntary
983 treatment petition if the respondent has not already been
984 served.

985
986 Otherwise, the petitioner and the service provider must promptly
987 inform the court that the respondent has been assessed so that
988 the court may schedule a hearing as soon as practicable. The
989 service provider must serve the respondent, before his or her
990 discharge, with the notice of hearing and a copy of the

Amendment No.1

991 petition. However, if the respondent has not been assessed
992 within 90 days, the court must dismiss the case.

993 Section 30. Section 397.6957, Florida Statutes, is amended
994 to read:

995 397.6957 Hearing on petition for involuntary treatment
996 services.-

997 (1) (a) The respondent must be present at a hearing on a
998 petition for involuntary treatment services unless he or she
999 knowingly, intelligently, and voluntarily waives his or her
1000 right to be present or, upon receiving proof of service and
1001 evaluating the circumstances of the case, the court finds that
1002 his or her presence is inconsistent with his or her best
1003 interests or is likely to be injurious to himself or herself or
1004 others. The court shall hear and review all relevant evidence,
1005 including testimony from individuals such as family members
1006 familiar with the respondent's prior history and how it relates
1007 to his or her current condition, and the ~~review of~~ results of
1008 the assessment completed by the qualified professional in
1009 connection with this chapter. The court may also order drug
1010 tests. Upon a showing of good cause, such as specific symptoms
1011 of the respondent's condition, and if all parties consent, the
1012 court may permit all witnesses, such as any medical
1013 professionals or personnel who are or have been involved with
1014 the respondent's treatment, to remotely attend and testify at
1015 the hearing under oath via audio-video teleconference. Any

532835 - h1143-strike all.docx

Published On: 1/24/2022 7:30:26 PM

Amendment No.1

1016 witness intending to remotely attend and testify at the hearing
1017 must provide the parties with all relevant documents by the
1018 close of business on the day before the hearing ~~the respondent's~~
1019 ~~protective custody, emergency admission, involuntary assessment,~~
1020 ~~or alternative involuntary admission. The respondent must be~~
1021 ~~present unless the court finds that his or her presence is~~
1022 ~~likely to be injurious to himself or herself or others, in which~~
1023 ~~event the court must appoint a guardian advocate to act in~~
1024 ~~behalf of the respondent throughout the proceedings.~~

1025 (b) A respondent cannot be involuntarily ordered into
1026 treatment under this chapter without a clinical assessment being
1027 performed, unless he or she is present in court and expressly
1028 waives the assessment. In nonemergency situations, if the
1029 respondent was not, or had previously refused to be, assessed by
1030 a qualified professional and, based on the petition, testimony,
1031 and evidence presented, it reasonably appears that the
1032 respondent qualifies for involuntary treatment services, the
1033 court shall issue an involuntary assessment and stabilization
1034 order to determine the appropriate level of treatment the
1035 respondent requires. Additionally, in cases where an assessment
1036 was attached to the petition, the respondent may request, or the
1037 court on its own motion may order, an independent assessment by
1038 a court-appointed physician or an otherwise agreed-upon
1039 physician. If an assessment order is issued, it is valid for 90
1040 days, and if the respondent is present or there is either proof

532835 - h1143-strike all.docx

Published On: 1/24/2022 7:30:26 PM

Amendment No.1

1041 of service or his or her location is known, the involuntary
1042 treatment hearing shall be continued for no more than 10 court
1043 working days. Otherwise, the petitioner and the service provider
1044 must promptly inform the court that the respondent has been
1045 assessed so that the court may schedule a hearing as soon as
1046 practicable. The service provider shall then serve the
1047 respondent, before his or her discharge, with the notice of
1048 hearing and a copy of the petition. The assessment must occur
1049 before the new hearing date, and if there is evidence indicating
1050 that the respondent will not voluntarily appear at the
1051 forthcoming hearing, or is a danger to self or others, the court
1052 may enter a preliminary order committing the respondent to an
1053 appropriate treatment facility for further evaluation until the
1054 date of the rescheduled hearing. However, if after 90 days the
1055 respondent remains unassessed, the court shall dismiss the case.

1056 (c)1. The respondent's assessment by a qualified
1057 professional must occur within 72 hours after his or her arrival
1058 at a licensed service provider unless he or she shows signs of
1059 withdrawal or a need to be either detoxified or treated for a
1060 medical condition, which shall extend the amount of time the
1061 respondent may be held for observation until that issue is
1062 resolved. If the person conducting the assessment is not a
1063 licensed physician, the assessment must be reviewed by a
1064 licensed physician within the 72-hour period. If the respondent
1065 is a minor, such assessment must be initiated within the first

Amendment No.1

1066 12 hours after the minor's admission to the facility. The
1067 service provider may also move to extend the 72 hours of
1068 observation by petitioning the court in writing for additional
1069 time. The service provider must furnish copies of such motion to
1070 all parties in accordance with applicable confidentiality
1071 requirements, and, after a hearing, the court may grant
1072 additional time or expedite the respondent's involuntary
1073 treatment hearing. The involuntary treatment hearing, however,
1074 may be expedited only by agreement of the parties on the hearing
1075 date or if there is notice and proof of service as provided in
1076 s. 397.6955(1) and (3). If the court grants the service
1077 provider's petition, the service provider may hold the
1078 respondent until its extended assessment period expires or until
1079 the expedited hearing date. However, if the original or extended
1080 observation period ends on a weekend or holiday, the provider
1081 may hold the respondent until the next court working day.

1082 2. Upon the completion of his or her report, the qualified
1083 professional, in accordance with applicable confidentiality
1084 requirements, shall provide copies to the court and all relevant
1085 parties and counsel. This report must contain a recommendation
1086 on the level, if any, of substance abuse and, if applicable, co-
1087 occurring mental health treatment the respondent requires. The
1088 qualified professional's failure to include a treatment
1089 recommendation, much like a recommendation of no treatment,
1090 shall result in the petition's dismissal.

532835 - h1143-strike all.docx

Published On: 1/24/2022 7:30:26 PM

Amendment No.1

1091 (d) The court may order a law enforcement officer or other
1092 designated agent of the court to take the respondent into
1093 custody and transport him or her to or from the treating or
1094 assessing service provider and the court for his or her hearing.

1095 (2) The petitioner has the burden of proving by clear and
1096 convincing evidence that:

1097 (a) The respondent is substance abuse impaired ~~and~~ has a
1098 history of lack of compliance with treatment for substance
1099 abuse; and

1100 (b) Because of such impairment the respondent is unlikely
1101 to voluntarily participate in the recommended services or is
1102 unable to determine for himself or herself whether services are
1103 necessary and:

1104 1. Without services, the respondent is likely to suffer
1105 from neglect or refuse to care for himself or herself; that such
1106 neglect or refusal poses a real and present threat of
1107 substantial harm to his or her well-being; and that there is a
1108 substantial likelihood that without services the respondent will
1109 cause serious bodily harm to himself, herself, or another in the
1110 near future, as evidenced by recent behavior; or

1111 2. The respondent's refusal to voluntarily receive care is
1112 based on judgment so impaired by reason of substance abuse that
1113 the respondent is incapable of appreciating his or her need for
1114 care and of making a rational decision regarding that need for
1115 care.

532835 - h1143-strike all.docx

Published On: 1/24/2022 7:30:26 PM

Amendment No.1

1116 (3) ~~One of the qualified professionals who executed the~~
1117 ~~involuntary services certificate must be a witness. The court~~
1118 ~~shall allow testimony from individuals, including family~~
1119 ~~members, deemed by the court to be relevant under state law,~~
1120 ~~regarding the respondent's prior history and how that prior~~
1121 ~~history relates to the person's current condition. The Testimony~~
1122 in the hearing must be taken under oath, and the proceedings
1123 must be recorded. The respondent patient may refuse to testify
1124 at the hearing.

1125 (4) If at any point during the hearing the court has
1126 reason to believe that the respondent, due to mental illness
1127 other than or in addition to substance abuse impairment, is
1128 likely to neglect or injure himself, herself, or another if
1129 allowed to remain at liberty, or otherwise meets the involuntary
1130 commitment provisions of part I of chapter 394, the court may
1131 initiate involuntary examination proceedings under such
1132 provisions.

1133 (5)~~(4)~~ At the conclusion of the hearing, the court shall
1134 either dismiss the petition or order the respondent to receive
1135 involuntary treatment services from his or her chosen licensed
1136 service provider if possible and appropriate. Any treatment
1137 order must include findings regarding the respondent's need for
1138 treatment and the appropriateness of other less restrictive
1139 alternatives.

1140 Section 31. Section 397.697, Florida Statutes, is amended

Amendment No.1

1141 to read:

1142 397.697 Court determination; effect of court order for
1143 involuntary treatment services.-

1144 (1)(a) When the court finds that the conditions for
1145 involuntary treatment services have been proved by clear and
1146 convincing evidence, it may order the respondent to receive
1147 involuntary treatment services from a publicly funded licensed
1148 service provider for a period not to exceed 90 days. The court
1149 may also order a respondent to undergo treatment through a
1150 privately funded licensed service provider if the respondent has
1151 the ability to pay for the treatment, or if any person on the
1152 respondent's behalf voluntarily demonstrates a willingness and
1153 an ability to pay for the treatment. If the court finds it
1154 necessary, it may direct the sheriff to take the respondent into
1155 custody and deliver him or her to the licensed service provider
1156 specified in the court order, or to the nearest appropriate
1157 licensed service provider, for involuntary treatment services.
1158 When the conditions justifying involuntary treatment services no
1159 longer exist, the individual must be released as provided in s.
1160 397.6971. When the conditions justifying involuntary treatment
1161 services are expected to exist after 90 days of treatment
1162 services, a renewal of the involuntary treatment services order
1163 may be requested pursuant to s. 397.6975 before the end of the
1164 90-day period.

1165 (b) To qualify for involuntary outpatient treatment, an

532835 - h1143-strike all.docx

Published On: 1/24/2022 7:30:26 PM

Amendment No.1

1166 individual must be supported by a social worker or case manager
1167 of a licensed service provider or a willing, able, and
1168 responsible individual appointed by the court who shall inform
1169 the court and parties if the respondent fails to comply with his
1170 or her outpatient program. In addition, unless the respondent
1171 has been involuntarily ordered into inpatient treatment under
1172 this chapter at least twice during the last 36 months, or
1173 demonstrates the ability to substantially comply with the
1174 outpatient treatment while waiting for residential placement to
1175 become available, he or she must receive an assessment from a
1176 qualified professional or licensed physician expressly
1177 recommending outpatient services, such services must be
1178 available in the county in which the respondent is located, and
1179 it must appear likely that the respondent will follow a
1180 prescribed outpatient care plan.

1181 (2) In all cases resulting in an order for involuntary
1182 treatment services, the court shall retain jurisdiction over the
1183 case and the parties for the entry of such further orders as the
1184 circumstances may require. The court's requirements for
1185 notification of proposed release must be included in the
1186 original order.

1187 (3) An involuntary treatment services order also
1188 authorizes the licensed service provider to require the
1189 individual to receive treatment services that will benefit him
1190 or her, including treatment services at any licensable service

532835 - h1143-strike all.docx

Published On: 1/24/2022 7:30:26 PM

Amendment No.1

1191 component of a licensed service provider. While subject to the
1192 court's oversight, the service provider's authority under this
1193 section is separate and distinct from the court's broad
1194 continuing jurisdiction under subsection (2). Such oversight
1195 includes, but is not limited to, submitting reports regarding
1196 the respondent's progress or compliance with treatment as
1197 required by the court.

1198 (4) If the court orders involuntary treatment services, a
1199 copy of the order must be sent to the managing entity within 1
1200 working day after it is received from the court. Documents may
1201 be submitted electronically through ~~though~~ existing data
1202 systems, if applicable. The department shall also receive and
1203 maintain copies of involuntary assessment and treatment orders
1204 issued pursuant to ss. 397.6955 and 397.6957, professional
1205 certificates, and law enforcement officers' protective custody
1206 reports. These documents shall be used to prepare annual reports
1207 analyzing the data obtained from these documents, without
1208 information identifying patients, and the department shall
1209 provide copies of these reports on its website, beginning July
1210 1, 2023.

1211 Section 32. Section 397.6971, Florida Statutes, is amended
1212 to read:

1213 397.6971 Early release from involuntary treatment
1214 services.-

1215 (1) At any time before the end of the 90-day involuntary

Amendment No.1

1216 treatment services period, or before the end of any extension
1217 granted pursuant to s. 397.6975, an individual receiving
1218 involuntary treatment services may be determined eligible for
1219 discharge to the most appropriate referral or disposition for
1220 the individual when any of the following apply:

1221 (a) The individual no longer meets the criteria for
1222 involuntary admission and has given his or her informed consent
1223 to be transferred to voluntary treatment status.

1224 (b) If the individual was admitted on the grounds of
1225 likelihood of self-neglect or the infliction of physical harm
1226 upon himself or herself or others, such likelihood no longer
1227 exists.

1228 (c) If the individual was admitted on the grounds of need
1229 for assessment and stabilization or treatment, accompanied by
1230 inability to make a determination respecting such need:

1231 1. Such inability no longer exists; or

1232 2. It is evident that further treatment will not bring
1233 about further significant improvements in the individual's
1234 condition.

1235 (d) The individual ~~is~~ no longer needs treatment ~~in need of~~
1236 services.

1237 (e) The director of the service provider determines that
1238 the individual is beyond the safe management capabilities of the
1239 provider.

1240 (2) Whenever a qualified professional determines that an

Amendment No.1

1241 individual admitted for involuntary treatment services qualifies
1242 for early release under subsection (1), the service provider
1243 shall immediately discharge the individual and must notify all
1244 persons specified by the court in the original treatment order.

1245 Section 33. Section 397.6975, Florida Statutes, is amended
1246 to read:

1247 397.6975 Extension of involuntary treatment services
1248 period.—

1249 (1) Whenever a service provider believes that an
1250 individual who is nearing the scheduled date of his or her
1251 release from involuntary treatment services continues to meet
1252 the criteria for involuntary treatment services in s. 397.693 or
1253 s. 397.6957, a petition for renewal of the involuntary treatment
1254 services order must ~~may~~ be filed with the court ~~at least 10 days~~
1255 before the expiration of the court-ordered services period. The
1256 petition may be filed by the service provider or by the person
1257 who filed the petition for the initial treatment order if the
1258 petition is accompanied by supporting documentation from the
1259 service provider. The court shall ~~immediately~~ schedule a hearing
1260 within 10 court working ~~to be held not more than 15~~ days after
1261 filing of the petition ~~and. The court shall~~ provide the copy of
1262 the petition for renewal and the notice of the hearing to all
1263 parties and counsel to the proceeding. The hearing is conducted
1264 pursuant to ss. 397.6957 and 397.697 and must be before the
1265 circuit court unless referred to a magistrate ~~s. 397.6957~~.

532835 - h1143-strike all.docx

Published On: 1/24/2022 7:30:26 PM

Amendment No.1

1266 (2) If the court finds that the petition for renewal of
1267 ~~the involuntary treatment services order~~ should be granted, it
1268 may order the respondent to receive involuntary treatment
1269 services for a period not to exceed an additional 90 days. When
1270 the conditions justifying involuntary treatment services no
1271 longer exist, the individual must be released as provided in s.
1272 397.6971. When the conditions justifying involuntary treatment
1273 services continue to exist after an additional 90 days of
1274 treatment service, a new petition requesting renewal of the
1275 involuntary treatment services order may be filed pursuant to
1276 this section.

1277 ~~(3) Within 1 court working day after the filing of a~~
1278 ~~petition for continued involuntary services, the court shall~~
1279 ~~appoint the office of criminal conflict and civil regional~~
1280 ~~counsel to represent the respondent, unless the respondent is~~
1281 ~~otherwise represented by counsel. The clerk of the court shall~~
1282 ~~immediately notify the office of criminal conflict and civil~~
1283 ~~regional counsel of such appointment. The office of criminal~~
1284 ~~conflict and civil regional counsel shall represent the~~
1285 ~~respondent until the petition is dismissed or the court order~~
1286 ~~expires or the respondent is discharged from involuntary~~
1287 ~~services. Any attorney representing the respondent shall have~~
1288 ~~access to the respondent, witnesses, and records relevant to the~~
1289 ~~presentation of the respondent's case and shall represent the~~
1290 ~~interests of the respondent, regardless of the source of payment~~

532835 - h1143-strike all.docx

Published On: 1/24/2022 7:30:26 PM

Amendment No.1

1291 ~~to the attorney.~~

1292 ~~(4) Hearings on petitions for continued involuntary~~
1293 ~~services shall be before the circuit court. The court may~~
1294 ~~appoint a magistrate to preside at the hearing. The procedures~~
1295 ~~for obtaining an order pursuant to this section shall be in~~
1296 ~~accordance with s. 397.697.~~

1297 ~~(5) Notice of hearing shall be provided to the respondent~~
1298 ~~or his or her counsel. The respondent and the respondent's~~
1299 ~~counsel may agree to a period of continued involuntary services~~
1300 ~~without a court hearing.~~

1301 ~~(6) The same procedure shall be repeated before the~~
1302 ~~expiration of each additional period of involuntary services.~~

1303 ~~(7) If the respondent has previously been found~~
1304 ~~incompetent to consent to treatment, the court shall consider~~
1305 ~~testimony and evidence regarding the respondent's competence.~~

1306 Section 34. Section 397.6977, Florida Statutes, is amended
1307 to read:

1308 397.6977 Disposition of individual upon completion of
1309 involuntary treatment services.—At the conclusion of the 90-day
1310 period of court-ordered involuntary treatment services, the
1311 respondent is automatically discharged unless a motion for
1312 renewal of the involuntary treatment services order has been
1313 filed with the court pursuant to s. 397.6975.

1314 Section 35. Section 397.6978, Florida Statutes, is
1315 repealed.

Amendment No.1

1316 Section 36. This act shall take effect July 1, 2022.

1317 -----
1318 -----

1319 **T I T L E A M E N D M E N T**

1320 Remove everything before the enacting clause and insert:

1321 A bill to be entitled

1322 An act relating to mental health and substance abuse;
1323 amending s. 394.455, F.S.; conforming a cross-
1324 reference; amending s. 394.459, F.S.; revising review
1325 requirements for specified restrictions relating to a
1326 patient's right to communicate or to receive visitors;
1327 requiring facilities to inform patients with a serious
1328 mental illness about certain services; amending s.
1329 394.461, F.S.; authorizing the state to establish that
1330 a transfer evaluation was performed by providing the
1331 court with a copy of the evaluation before the close
1332 of the state's case in chief; prohibiting the court
1333 from considering substantive information in the
1334 transfer evaluation unless the evaluator testifies at
1335 the hearing; requiring facilities to inform the
1336 department about certain persons examined or committed
1337 at the facility; amending s. 394.462, F.S.; conforming
1338 cross-references; amending s. 394.4625, F.S.; revising
1339 provisions relating to the voluntary admission of
1340 minors to a facility for examination and treatment;

532835 - h1143-strike all.docx

Published On: 1/24/2022 7:30:26 PM

Amendment No.1

1341 requiring that a minor's assent to voluntary care be
1342 verified; amending s. 394.463, F.S.; revising the
1343 requirements for when a person may be taken to a
1344 receiving facility for involuntary examination;
1345 requiring law enforcement officers transporting
1346 individuals for involuntary treatment to take certain
1347 actions; revising requirements for reports relating to
1348 involuntary treatment; revising approval requirements
1349 for release of a patient by a receiving facility;
1350 specifying when the examination period begins for a
1351 patient arriving at a receiving facility; requiring a
1352 facility to inform the department of certain persons
1353 who have been examined or committed under certain
1354 circumstances; amending s. 394.467, F.S.; revising
1355 requirements for continuances of hearings; revising
1356 the conditions under which a court may waive the
1357 requirement for a patient to be present at an
1358 involuntary inpatient placement hearing; authorizing
1359 the court to permit all witnesses to attend and
1360 testify remotely at the hearing through certain means;
1361 requiring facilities to make certain clinical records
1362 available to a state attorney within a specified
1363 timeframe; specifying that such records remain
1364 confidential and may not be used for certain purposes;
1365 revising when the court may appoint a magistrate;

532835 - h1143-strike all.docx

Published On: 1/24/2022 7:30:26 PM

Amendment No.1

1366 requiring the court to allow certain testimony from
1367 individuals; revising the amount of time a court may
1368 require a patient to receive services; requiring
1369 facilities to discharge patients after the patient no
1370 longer meets the criteria for involuntary treatment;
1371 prohibiting courts from ordering that individuals with
1372 developmental disabilities be involuntarily placed in
1373 a state treatment facility; revising cross-references;
1374 conforming provisions to changes made by the act;
1375 amending ss. 394.495 and 394.496, F.S.; conforming
1376 provisions to changes made by the act; amending s.
1377 394.499, F.S.; making a technical change; conforming a
1378 provision to changes made by the act; amending s.
1379 394.9086; modifying meeting requirements of the
1380 Commission on Mental Health and Substance Abuse;
1381 authorizing reimbursement for per diem and travel
1382 expenses; authorizing the commission to access certain
1383 records; modifying the due date for the Commission's
1384 interim report; amending s. 397.305, F.S.; revising
1385 the purpose of ch. 397, F.S.; amending s. 397.311,
1386 F.S.; revising definitions; creating s. 397.341, F.S.;
1387 requiring law enforcement officers transporting
1388 individuals for treatment to take certain actions;
1389 amending s. 397.501, F.S.; requiring that respondents
1390 with substance use disorders being discharged from a

532835 - h1143-strike all.docx

Published On: 1/24/2022 7:30:26 PM

Amendment No.1

1391 facility be provided with certain information;
1392 amending s. 397.675, F.S.; including co-occurring
1393 substance use disorders as basis for applying criteria
1394 for involuntary admissions; amending s. 397.6751,
1395 F.S.; revising the responsibilities of a service
1396 provider; amending s. 397.681, F.S.; revising where
1397 involuntary treatment petitions for substance abuse
1398 impaired persons may be filed; revising what part of
1399 such proceedings a general or special magistrate may
1400 preside over; conforming provisions to changes made by
1401 the act; repealing s. 397.6811, F.S., relating to
1402 involuntary assessment and stabilization; repealing s.
1403 397.6814, F.S., relating to petitions for involuntary
1404 assessment and stabilization; repealing s. 397.6815,
1405 F.S., relating to involuntary assessment and
1406 stabilization procedures; repealing s. 397.6818, F.S.,
1407 relating to court determinations for petitions for
1408 involuntary assessment and stabilization; repealing s.
1409 397.6819, F.S., relating to the responsibilities of
1410 licensed service providers with regard to involuntary
1411 assessment and stabilization; repealing s. 397.6821,
1412 F.S., relating to extensions of time for completion of
1413 involuntary assessment and stabilization; repealing s.
1414 397.6822, F.S., relating to the disposition of
1415 individuals after involuntary assessment; amending s.

532835 - h1143-strike all.docx

Published On: 1/24/2022 7:30:26 PM

Amendment No.1

1416 397.693, F.S.; revising the circumstances under which
1417 a person is eligible for court-ordered involuntary
1418 treatment; amending s. 397.695, F.S.; authorizing the
1419 court or clerk of the court to waive or prohibit any
1420 service of process fees for an indigent petitioner;
1421 conforming provisions to changes made by this act;
1422 amending s. 397.6951, F.S.; revising the requirements
1423 for the contents of a petition for involuntary
1424 treatment services; authorizing a petitioner to
1425 include with the petition a certificate or report of a
1426 qualified professional; requiring the certificate or
1427 report to contain certain information; requiring that
1428 certain additional information be included if an
1429 emergency exists; conforming provisions to changes
1430 made by this act; amending s. 397.6955, F.S.; revising
1431 when a hearing must be held on the petition; requiring
1432 law enforcement agencies to effect service for initial
1433 treatment hearings unless certain requirements are
1434 met; providing requirements for when a petitioner
1435 asserts that emergency circumstances exist or the
1436 court determines that an emergency exists; conforming
1437 provisions to changes made by the act; amending s.
1438 397.6957, F.S.; expanding the exemption from the
1439 requirement that a respondent be present at a hearing
1440 on a petition for involuntary treatment services;

532835 - h1143-strike all.docx

Published On: 1/24/2022 7:30:26 PM

Amendment No.1

1441 authorizing the court to order drug tests and permit
1442 all witnesses to remotely attend and testify at the
1443 hearing through certain means; deleting a provision
1444 requiring the court to appoint a guardian advocate
1445 under certain circumstances; prohibiting a respondent
1446 from being involuntarily ordered into treatment unless
1447 certain requirements are met; providing requirements
1448 relating to involuntary assessment and stabilization
1449 orders; providing requirements relating to involuntary
1450 treatment hearings; requiring that the assessment of a
1451 respondent occur before a specified time unless
1452 certain requirements are met; requiring the service
1453 provider to discharge the respondent after a specified
1454 time unless certain requirements are met; requiring a
1455 qualified professional to provide copies of his or her
1456 report to the court and all relevant parties and
1457 counsel; providing requirements for the report;
1458 authorizing a court to order certain persons to take a
1459 respondent into custody and transport him or her to or
1460 from certain service providers and the court; revising
1461 the petitioner's burden of proof in the hearing;
1462 authorizing the court to initiate involuntary
1463 proceedings under certain circumstances; requiring
1464 that, if a treatment order is issued, it must include
1465 certain findings; amending s. 397.697, F.S.; requiring

532835 - h1143-strike all.docx

Published On: 1/24/2022 7:30:26 PM

Amendment No.1

1466 that an individual meet certain requirements to
1467 qualify for involuntary outpatient treatment;
1468 specifying that certain hearings may be set by the
1469 motion of a party or under the court's own authority;
1470 specifying that a service provider's authority is
1471 separate and distinct from the court's jurisdiction;
1472 requiring the department to receive and maintain
1473 copies of certain documents and prepare annual reports
1474 obtained from the documents; requiring the department
1475 to provide copies of the reports to the Governor and
1476 the Legislature; amending s. 397.6971, F.S.; revising
1477 when an individual receiving involuntary treatment
1478 services may be determined eligible for discharge;
1479 conforming provisions to changes made by the act;
1480 amending s. 397.6975, F.S.; authorizing certain
1481 entities to file a petition for renewal of involuntary
1482 treatment services; revising the timeframe during
1483 which the court is required to schedule a hearing;
1484 conforming provisions to changes made by the act;
1485 amending s. 397.6977, F.S.; conforming provisions to
1486 changes made by the act; repealing s. 397.6978, F.S.,
1487 relating to the appointment of guardian advocates;
1488 providing an effective date.