

By Senator Bean

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1 A bill to be entitled
2 An act relating to mental health and substance abuse;
3 amending s. 394.455, F.S.; conforming a provision to
4 changes made by the act; amending s. 394.459, F.S.;
5 revising review requirements for specified
6 restrictions relating to a patient's right to
7 communicate or to receive visitors; requiring
8 facilities to inform patients with a serious mental
9 illness of the essential elements of recovery and
10 provide them assistance in accessing a continuum of
11 care regimen; authorizing the Department of Children
12 and Families to adopt certain rules; amending s.
13 394.461, F.S.; authorizing the state to establish that
14 a transfer evaluation was performed by providing the
15 court with a copy of the evaluation before the close
16 of the state's case in chief; prohibiting the court
17 from considering substantive information in the
18 transfer evaluation unless the evaluator testifies at
19 the hearing; amending s. 394.462, F.S.; conforming
20 provisions to changes made by the act; amending s.
21 394.463, F.S.; revising the requirements for when a
22 person may be taken to a receiving facility for
23 involuntary examination; requiring law enforcement
24 officers transporting individuals for involuntary
25 treatment to take certain actions; revising
26 requirements for annual reports relating to
27 involuntary treatment; requiring that certain reports
28 be sent to the Governor; revising when a patient may
29 be released by a receiving facility; requiring a

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30 facility to inform the department of certain persons
31 who have been examined or committed under certain
32 circumstances; amending s. 394.4655, F.S.; conforming
33 a provision to changes made by the act; amending s.
34 394.467, F.S.; revising the requirements for when a
35 person may be ordered for involuntary inpatient
36 placement; revising requirements for continuances of
37 hearings; revising the conditions under which a court
38 may waive the requirement for a patient to be present
39 at an involuntary inpatient placement hearing;
40 authorizing the court to permit all witnesses to
41 attend and testify remotely at the hearing through
42 certain means; requiring facilities to make certain
43 clinical records available to a state attorney within
44 a specified timeframe; specifying that such records
45 remain confidential and may not be used for certain
46 purposes; revising when the court may appoint a
47 magistrate; requiring the court to allow certain
48 testimony from individuals; revising the amount of
49 time a court may require a patient to receive
50 services; requiring facilities to discharge patients
51 after they no longer meet the criteria for involuntary
52 inpatient treatment; prohibiting courts from ordering
53 that individuals with developmental disabilities be
54 involuntarily placed in a state treatment facility;
55 requiring such individuals to be referred to certain
56 agencies for evaluation and services; authorizing
57 facilities to hold specified individuals under certain
58 circumstances; conforming provisions to changes made

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59 by the act; amending ss. 394.495 and 394.496, F.S.;

60 conforming provisions to changes made by the act;

61 amending s. 394.499, F.S.; making a technical change;

62 conforming a provision to changes made by the act;

63 amending s. 397.305, F.S.; revising the purpose of ch.

64 397, F.S.; amending s. 397.311, F.S.; revising

65 definitions; creating s. 397.341, F.S.; requiring law

66 enforcement officers transporting individuals for

67 treatment to take certain actions; amending s.

68 397.501, F.S.; requiring that respondents with serious

69 substance use disorders be informed of the essential

70 elements of recovery and provided with assistance

71 accessing a continuum of care regimen; authorizing the

72 department to adopt certain rules; amending s.

73 397.675, F.S.; revising the criteria for involuntary

74 admissions; amending s. 397.6751, F.S.; revising the

75 responsibilities of a service provider; amending s.

76 397.681, F.S.; revising where involuntary treatment

77 petitions for substance abuse impaired persons may be

78 filed; revising what part of such proceedings a

79 general or special magistrate may preside over;

80 requiring that the state attorney represent the state

81 as the real party of interest in an involuntary

82 proceeding, subject to legislative appropriation;

83 providing that the petitioner has the right to be

84 heard; specifying that certain records obtained by a

85 state attorney must remain confidential and may not be

86 used for certain purposes; conforming provisions to

87 changes made by the act; repealing s. 397.6811, F.S.,

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88 relating to involuntary assessment and stabilization;
89 repealing s. 397.6814, F.S., relating to petitions for
90 involuntary assessment and stabilization; repealing s.
91 397.6815, F.S., relating to involuntary assessment and
92 stabilization procedures; repealing s. 397.6818, F.S.,
93 relating to court determinations for petitions for
94 involuntary assessment and stabilization; repealing s.
95 397.6819, F.S., relating to the responsibilities of
96 licensed service providers with regard to involuntary
97 assessment and stabilization; repealing s. 397.6821,
98 F.S., relating to extensions of time for completion of
99 involuntary assessment and stabilization; repealing s.
100 397.6822, F.S., relating to the disposition of
101 individuals after involuntary assessment; amending s.
102 397.693, F.S.; revising the circumstances under which
103 a person is eligible for court-ordered involuntary
104 treatment; amending s. 397.695, F.S.; authorizing the
105 court or clerk of the court to waive or prohibit any
106 service of process fees for an indigent petitioner;
107 amending s. 397.6951, F.S.; revising the requirements
108 for the contents of a petition for involuntary
109 treatment services; authorizing a petitioner to
110 include with the petition a certificate or report of a
111 qualified professional; requiring the certificate or
112 report to contain certain information; requiring that
113 certain additional information be included if an
114 emergency exists; amending s. 397.6955, F.S.;
115 requiring the clerk of the court to notify the state
116 attorney's office upon the receipt of a petition filed

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117 for involuntary treatment services; revising when the
118 office of criminal conflict and civil regional counsel
119 represents a person; revising when a hearing must be
120 held on the petition; requiring law enforcement
121 agencies to effect service for initial treatment
122 hearings unless certain requirements are met;
123 providing requirements for when a petitioner asserts
124 that emergency circumstances exist or the court
125 determines that an emergency exists; conforming
126 provisions to changes made by the act; amending s.
127 397.6957, F.S.; expanding the exemption from the
128 requirement that a respondent be present at a hearing
129 on a petition for involuntary treatment services;
130 authorizing the court to order drug tests and permit
131 all witnesses to remotely attend and testify at the
132 hearing through certain means; deleting a provision
133 requiring the court to appoint a guardian advocate
134 under certain circumstances; prohibiting a respondent
135 from being involuntarily ordered into treatment unless
136 certain requirements are met; providing requirements
137 relating to involuntary assessment and stabilization
138 orders; providing requirements relating to involuntary
139 treatment hearings; requiring that the assessment of a
140 respondent occur before a specified time unless
141 certain requirements are met; requiring a qualified
142 professional to provide copies of his or her report to
143 the court and all relevant parties and counsel;
144 providing requirements for the report; authorizing a
145 court to order certain persons to take a respondent

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146 into custody and transport him or her to or from
147 certain service providers and the court; revising the
148 petitioner's burden of proof in the hearing;
149 authorizing the court to initiate involuntary
150 proceedings under certain circumstances; requiring
151 that, if a treatment order is issued, it must include
152 certain findings; amending s. 397.697, F.S.; making
153 technical changes; requiring that an individual meet
154 certain requirements to qualify for involuntary
155 outpatient treatment; specifying that certain hearings
156 may be set by the motion of a party or under the
157 court's own authority; specifying that a service
158 provider's authority is separate and distinct from the
159 court's jurisdiction; requiring the department to
160 receive and maintain copies of certain documents and
161 to use information from the documents to prepare
162 annual reports; requiring the department to provide
163 copies of the reports to the Governor and the
164 Legislature; amending s. 397.6971, F.S.; revising when
165 an individual receiving involuntary treatment services
166 may be determined eligible for discharge; conforming
167 provisions to changes made by the act; amending s.
168 397.6975, F.S.; authorizing certain entities to file a
169 petition for renewal of involuntary treatment
170 services; revising the timeframe during which the
171 court is required to schedule a hearing; conforming
172 provisions to changes made by the act; amending s.
173 397.6977, F.S.; conforming provisions to changes made
174 by the act; repealing s. 397.6978, F.S., relating to

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175 the appointment of guardian advocates; providing an
176 effective date.

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178 Be It Enacted by the Legislature of the State of Florida:

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180 Section 1. Subsection (23) of section 394.455, Florida
181 Statutes, is amended to read:

182 394.455 Definitions.—As used in this part, the term:

183 (23) "Involuntary examination" means an examination
184 performed under s. 394.463, s. 397.6772, s. 397.679, s.
185 397.6798, or s. 397.6957 ~~s. 397.6811~~ to determine whether a
186 person qualifies for involuntary services.

187 Section 2. Paragraph (c) of subsection (5) of section
188 394.459, Florida Statutes, is amended, and subsection (13) is
189 added to that section, to read:

190 394.459 Rights of patients.—

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

192 (c) Each facility must permit immediate access to any
193 patient, subject to the patient's right to deny or withdraw
194 consent at any time, by the patient's family members, guardian,
195 guardian advocate, representative, Florida statewide or local
196 advocacy council, or attorney, unless such access would be
197 detrimental to the patient. If a patient's right to communicate
198 or to receive visitors is restricted by the facility, written
199 notice of such restriction and the reasons for the restriction
200 shall be served on the patient, the patient's attorney, and the
201 patient's guardian, guardian advocate, or representative; and
202 such restriction shall be recorded on the patient's clinical
203 record with the reasons therefor. The restriction of a patient's

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204 right to communicate or to receive visitors shall be reviewed at
205 least every 72 hours, or no later than the next working day if
206 such period ends on a weekend or holiday ~~7 days~~. The right to
207 communicate or receive visitors shall not be restricted as a
208 means of punishment. Nothing in this paragraph shall be
209 construed to limit the provisions of paragraph (d).

210 (13) POST-DISCHARGE CONTINUUM OF CARE.—Upon discharge, the
211 facility must inform a patient with a serious mental illness of
212 the essential elements of recovery and provide assistance with
213 accessing a continuum of care regimen. The department may adopt
214 rules specifying the services that may be provided to such
215 patients.

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

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

226 (2) TREATMENT FACILITY.—The department may designate any
227 state-owned, state-operated, or state-supported facility as a
228 state treatment facility. A civil patient may ~~shall~~ not be
229 admitted to a state treatment facility without previously
230 undergoing a transfer evaluation. Before the close of the
231 state's case in chief in a court hearing for involuntary
232 placement ~~in a state treatment facility~~, the state may establish

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233 that the transfer evaluation was performed and the document was
234 properly executed by providing the court with a copy of the
235 transfer evaluation. The court may not ~~court shall receive and~~
236 consider the substantive information ~~documented~~ in the transfer
237 evaluation unless the evaluator testifies at the hearing. Any
238 other facility, including a private facility or a federal
239 facility, may be designated as a treatment facility by the
240 department, provided that such designation is agreed to by the
241 appropriate governing body or authority of the facility.

242 Section 4. Section 394.462, Florida Statutes, is amended to
243 read:

244 394.462 Transportation.—A transportation plan shall be
245 developed and implemented by each county in collaboration with
246 the managing entity in accordance with this section. A county
247 may enter into a memorandum of understanding with the governing
248 boards of nearby counties to establish a shared transportation
249 plan. When multiple counties enter into a memorandum of
250 understanding for this purpose, the counties shall notify the
251 managing entity and provide it with a copy of the agreement. The
252 transportation plan shall describe methods of transport to a
253 facility within the designated receiving system for individuals
254 subject to involuntary examination under s. 394.463 or
255 involuntary admission under s. 397.6772, s. 397.679, s.
256 397.6798, or s. 397.6957 ~~s. 397.6811~~, and may identify
257 responsibility for other transportation to a participating
258 facility when necessary and agreed to by the facility. The plan
259 may rely on emergency medical transport services or private
260 transport companies, as appropriate. The plan shall comply with
261 the transportation provisions of this section and ss. 397.6772,

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262 397.6795, ~~397.6822~~, and 397.697.

263 (1) TRANSPORTATION TO A RECEIVING FACILITY.—

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

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

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

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

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

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

289 b. From the person receiving the transportation.

290 c. From a financial settlement for medical care, treatment,

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291 hospitalization, or transportation payable or accruing to the
292 injured party.

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

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

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

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

315 (g) When any law enforcement officer has custody of a
316 person based on either noncriminal or minor criminal behavior
317 that meets the statutory guidelines for involuntary examination
318 pursuant to s. 394.463, the law enforcement officer shall
319 transport the person to the appropriate facility within the

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320 designated receiving system pursuant to a transportation plan.
321 Persons who meet the statutory guidelines for involuntary
322 admission pursuant to s. 397.675 may also be transported by law
323 enforcement officers to the extent resources are available and
324 as otherwise provided by law. Such persons shall be transported
325 to an appropriate facility within the designated receiving
326 system pursuant to a transportation plan.

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

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

345 (j) The costs of transportation, evaluation,
346 hospitalization, and treatment incurred under this subsection by
347 persons who have been arrested for violations of any state law
348 or county or municipal ordinance may be recovered as provided in

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349 s. 901.35.

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

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

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

368 (n) When a jurisdiction has entered into a contract with an
369 emergency medical transport service or a private transport
370 company for transportation of persons to facilities within the
371 designated receiving system, such service or company shall be
372 given preference for transportation of persons from nursing
373 homes, assisted living facilities, adult day care centers, or
374 adult family-care homes, unless the behavior of the person being
375 transported is such that transportation by a law enforcement
376 officer is necessary.

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

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378 examination and treatment of incapacitated persons provided in
379 accordance with s. 401.445.

380 (2) TRANSPORTATION TO A TREATMENT FACILITY.—

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

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

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

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

404 (3) TRANSFER OF CUSTODY.—Custody of a person who is
405 transported pursuant to this part, along with related
406 documentation, shall be relinquished to a responsible individual

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407 at the appropriate receiving or treatment facility.

408 Section 5. Subsection (1) and paragraphs (a), (e), (f), and
409 (g) of subsection (2) of section 394.463, Florida Statutes, are
410 amended to read:

411 394.463 Involuntary examination.—

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

416 (a)1. The person has refused voluntary examination after
417 conscientious explanation and disclosure of the purpose of the
418 examination; or

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

421 (b)1. Without care or treatment, the person is likely to
422 suffer from neglect or refuse to care for himself or herself;
423 such neglect or refusal poses a real and present threat of
424 substantial harm to his or her well-being; and it is not
425 apparent that such harm may be avoided through the help of
426 willing, able, and responsible family members or friends or the
427 provision of other services; or

428 2. There is a substantial likelihood that in the near
429 future and without care or treatment, the person will inflict
430 serious ~~cause serious bodily~~ harm to self ~~himself or herself~~ or
431 others ~~in the near future~~, as evidenced by recent acts,
432 omissions, or behavior causing, attempting, or threatening such
433 harm.

434 (2) INVOLUNTARY EXAMINATION.—

435 (a) An involuntary examination may be initiated by any one

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436 of the following means:

437 1. A circuit or county court may enter an ex parte order
438 stating that a person appears to meet the criteria for
439 involuntary examination and specifying the findings on which
440 that conclusion is based. The ex parte order for involuntary
441 examination must be based on written or oral sworn testimony
442 that includes specific facts that support the findings. If other
443 less restrictive means are not available, such as voluntary
444 appearance for outpatient evaluation, a law enforcement officer,
445 or other designated agent of the court, shall take the person
446 into custody and deliver him or her to an appropriate, or the
447 nearest, facility within the designated receiving system
448 pursuant to s. 394.462 for involuntary examination. The order of
449 the court shall be made a part of the patient's clinical record.
450 A fee may not be charged for the filing of an order under this
451 subsection. A facility accepting the patient based on this order
452 must send a copy of the order to the department within 5 working
453 days. The order may be submitted electronically through existing
454 data systems, if available. The order shall be valid only until
455 the person is delivered to the facility or for the period
456 specified in the order itself, whichever comes first. If a time
457 limit is not specified in the order, the order is valid for 7
458 days after the date that the order was signed.

459 2. A law enforcement officer may ~~shall~~ take a person who
460 appears to meet the criteria for involuntary examination into
461 custody and deliver the person or have him or her delivered to
462 an appropriate, or the nearest, facility within the designated
463 receiving system pursuant to s. 394.462 for examination. A law
464 enforcement officer transporting a person pursuant to this

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465 subparagraph shall consider the person's mental and behavioral
466 state and restrain him or her in the least restrictive manner
467 necessary under the circumstances, especially if the person is a
468 minor. The officer shall execute a written report detailing the
469 circumstances under which the person was taken into custody,
470 which must be made a part of the patient's clinical record. Any
471 facility accepting the patient based on this report must send a
472 copy of the report to the department within 5 working days.

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

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494 systems, if applicable.

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496 When sending the order, report, or certificate to the
497 department, a facility shall, at a minimum, provide information
498 about which action was taken regarding the patient under
499 paragraph (g), which information shall also be made a part of
500 the patient's clinical record.

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

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

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

534 (g) The examination period must be for up to 72 hours and
535 begins when a patient arrives at the receiving facility. For a
536 minor, the examination shall be initiated within 12 hours after
537 the patient's arrival at the facility. The facility must inform
538 the department of any person who has been examined or committed
539 three or more times under this chapter within a 12-month period.
540 Within the examination period or, if the examination period ends
541 on a weekend or holiday, no later than the next working day
542 thereafter, one of the following actions must be taken, based on
543 the individual needs of the patient:

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

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

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

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552 patient shall be admitted as a voluntary patient; or

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

563 Section 6. Paragraph (c) of subsection (7) of section
564 394.4655, Florida Statutes, is amended to read:

565 394.4655 Involuntary outpatient services.—

566 (7) HEARING ON INVOLUNTARY OUTPATIENT SERVICES.—

567 (c) If, at any time before the conclusion of the initial
568 hearing on involuntary outpatient services, it appears to the
569 court that the person does not meet the criteria for involuntary
570 outpatient services under this section but, instead, meets the
571 criteria for involuntary inpatient placement, the court may
572 order the person admitted for involuntary inpatient examination
573 under s. 394.463. If the person instead meets the criteria for
574 involuntary assessment, protective custody, or involuntary
575 admission pursuant to s. 397.675, the court may order the person
576 to be admitted for involuntary assessment for a period of 5 days
577 ~~pursuant to s. 397.6811~~. Thereafter, all proceedings are
578 governed by chapter 397.

579 Section 7. Subsections (1) and (5), paragraphs (a), (b),
580 and (c) of subsection (6), and paragraph (d) of subsection (7)

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581 of section 394.467, Florida Statutes, are amended to read:

582 394.467 Involuntary inpatient placement.—

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

586 (a) He or she has a mental illness and because of his or
587 her mental illness:

588 1.a. He or she has refused voluntary inpatient placement
589 for treatment after sufficient and conscientious explanation and
590 disclosure of the purpose of inpatient placement for treatment;
591 or

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

594 2.a. He or she is incapable of surviving alone or with the
595 help of willing, able, and responsible family or friends,
596 including available alternative services, and, without
597 treatment, is likely to suffer from neglect or refuse to care
598 for himself or herself, and such neglect or refusal poses a real
599 and present threat of substantial harm to his or her well-being;
600 or

601 b. There is substantial likelihood that in the near future
602 and without services, he or she will inflict serious ~~bodily~~
603 to ~~on~~ self or others, as evidenced by recent acts, omissions, or
604 behavior causing, attempting, or threatening such harm; and

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

608 (5) CONTINUANCE OF HEARING.—The patient and the state are
609 independently entitled ~~is entitled, with the concurrence of the~~

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610 ~~patient's counsel,~~ to at least one continuance of the hearing.
611 The patient's continuance may be for a period of ~~for~~ up to 4
612 weeks and requires the concurrence of his or her counsel. The
613 state's continuance may be for a period of up to 5 court working
614 days and requires a showing of good cause and due diligence by
615 the state before requesting the continuance. The state's failure
616 to timely review any readily available document or failure to
617 attempt to contact a known witness does not warrant a
618 continuance.

619 (6) HEARING ON INVOLUNTARY INPATIENT PLACEMENT.—

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

623 2. Except for good cause documented in the court file, the
624 hearing must be held in the county or the facility, as
625 appropriate, where the patient is located, must be as convenient
626 to the patient as is consistent with orderly procedure, and
627 shall be conducted in physical settings not likely to be
628 injurious to the patient's condition. If the court finds that
629 the patient's attendance at the hearing is not consistent with
630 the best interests of, or is likely to be injurious to, the
631 patient, or the patient knowingly, intelligently, and
632 voluntarily waives his or her right to be present, and the
633 patient's counsel does not object, the court may waive the
634 presence of the patient from all or any portion of the hearing.
635 Absent a showing of good cause, such as specific symptoms of the
636 patient's condition, the court may permit all witnesses,
637 including, but not limited to, any medical professionals or
638 personnel who are or have been involved with the patient's

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639 treatment, to remotely attend and testify at the hearing under
640 oath through audio-video teleconference. Any witness intending
641 to remotely attend and testify at the hearing must provide the
642 parties with all relevant documents by the close of business on
643 the day before the hearing. The state attorney for the circuit
644 in which the patient is located shall represent the state,
645 rather than the petitioning facility administrator, as the real
646 party in interest in the proceeding. The facility shall make the
647 respondent's clinical records available to the state attorney
648 within 24 hours after the involuntary placement petition's
649 filing so that the state can evaluate and prepare its case
650 before the hearing. However, these records shall remain
651 confidential, and the state attorney may not use any record
652 obtained under this part for criminal investigation or
653 prosecution purposes or for any purpose other than the patient's
654 civil commitment under this chapter.

655 3. The court may appoint a magistrate to preside at the
656 hearing on the petition and any ancillary proceedings thereto,
657 which include, but are not limited to, writs of habeas corpus
658 issued pursuant to s. 394.459(8). One of the professionals who
659 executed the petition for involuntary inpatient placement
660 certificate shall be a witness. The court shall allow testimony
661 deemed relevant by the court under state law from individuals,
662 including family members, regarding the person's prior history
663 and how that history relates to the person's current condition.
664 The patient and the patient's guardian or representative shall
665 be informed by the court of the right to an independent expert
666 examination. If the patient cannot afford such an examination,
667 the court shall ensure that one is provided, as otherwise

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668 provided for by law. The independent expert's report is
669 confidential and not discoverable, unless the expert is to be
670 called as a witness for the patient at the hearing. The
671 testimony in the hearing must be given under oath, and the
672 proceedings must be recorded. The patient may refuse to testify
673 at the hearing.

674 (b) If the court concludes that the patient meets the
675 criteria for involuntary inpatient placement, it may order that
676 the patient be transferred to a treatment facility or, if the
677 patient is at a treatment facility, that the patient be retained
678 there or be treated at any other appropriate facility, or that
679 the patient receive services, on an involuntary basis, for up to
680 ~~90 days. However, any order for involuntary mental health~~
681 ~~services in a treatment facility may be for up to 6 months.~~ The
682 order shall specify the nature and extent of the patient's
683 mental illness, and, unless the patient has transferred to a
684 voluntary status, the facility must discharge the patient at any
685 time he or she no longer meets the criteria for involuntary
686 inpatient treatment. The court may not order an individual with
687 a developmental disability as defined in s. 393.063, traumatic
688 brain injury, or dementia who lacks a co-occurring mental
689 illness to be involuntarily placed in a state treatment
690 facility. These individuals must be referred to the Agency for
691 Persons with Disabilities or the Department of Elderly Affairs
692 for further evaluation and the provision of appropriate services
693 for their individual needs ~~The facility shall discharge a~~
694 ~~patient any time the patient no longer meets the criteria for~~
695 ~~involuntary inpatient placement, unless the patient has~~
696 ~~transferred to voluntary status.~~

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697 (c) If at any time before the conclusion of the involuntary
698 placement hearing ~~on involuntary inpatient placement~~ it appears
699 to the court that the person does not meet the criteria of ~~for~~
700 ~~involuntary inpatient placement under~~ this section, but instead
701 meets the criteria for involuntary outpatient services, the
702 court may order the person evaluated for involuntary outpatient
703 services pursuant to s. 394.4655. The petition and hearing
704 procedures set forth in s. 394.4655 shall apply. If the person
705 instead meets the criteria for involuntary assessment,
706 protective custody, or involuntary admission or treatment
707 pursuant to s. 397.675, ~~then~~ the court may order the person to
708 be admitted for involuntary assessment ~~for a period of 5 days~~
709 pursuant to s. 397.6957 ~~s. 397.6811~~. Thereafter, all proceedings
710 are governed by chapter 397.

711 (7) PROCEDURE FOR CONTINUED INVOLUNTARY INPATIENT
712 PLACEMENT.—

713 (d) If at a hearing it is shown that the patient continues
714 to meet the criteria for involuntary inpatient placement, the
715 administrative law judge shall sign the order for continued
716 involuntary inpatient placement for up to ~~90 days~~. ~~However, any~~
717 ~~order for involuntary mental health services in a treatment~~
718 ~~facility may be for up to~~ 6 months. The same procedure shall be
719 repeated before the expiration of each additional period the
720 patient is retained.

721
722 The procedure required in this subsection must be followed
723 before the expiration of each additional period the patient is
724 involuntarily receiving services.

725 Section 8. Subsection (3) of section 394.495, Florida

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726 Statutes, is amended to read:

727 394.495 Child and adolescent mental health system of care;
728 programs and services.—

729 (3) Assessments must be performed by:

730 (a) A clinical psychologist, clinical social worker,
731 physician, psychiatric nurse, or psychiatrist, as those terms
732 are defined in s. 394.455 ~~professional as defined in s.~~
733 ~~394.455(5), (7), (33), (36), or (37);~~

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

735 (c) A person who is under the direct supervision of a
736 clinical psychologist, clinical social worker, physician,
737 psychiatric nurse, or psychiatrist, as those terms are defined
738 in s. 394.455, ~~qualified professional as defined in s.~~
739 ~~394.455(5), (7), (33), (36), or (37)~~ or a professional licensed
740 under chapter 491.

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

743 394.496 Service planning.—

744 (5) A clinical psychologist, clinical social worker,
745 physician, psychiatric nurse, or psychiatrist, as those terms
746 are defined in s. 394.455, ~~professional as defined in s.~~
747 ~~394.455(5), (7), (33), (36), or (37)~~ or a professional licensed
748 under chapter 491 must be included among those persons
749 developing the services plan.

750 Section 10. Paragraph (a) of subsection (2) of section
751 394.499, Florida Statutes, is amended to read:

752 394.499 Integrated children's crisis stabilization
753 unit/juvenile addictions receiving facility services.—

754 (2) Children eligible to receive integrated children's

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755 crisis stabilization unit/juvenile addictions receiving facility
756 services include:

757 (a) A person under 18 years of age for whom voluntary
758 application is made by his or her parent or legal guardian, if
759 such person is found to show evidence of mental illness and to
760 be suitable for treatment pursuant to s. 394.4625. A person
761 under 18 years of age may be admitted for integrated facility
762 services only after a hearing to verify that the consent to
763 admission is voluntary is conducted pursuant to s. 394.4625.

764 Section 11. Subsection (3) of section 397.305, Florida
765 Statutes, is amended to read:

766 397.305 Legislative findings, intent, and purpose.—

767 (3) It is the purpose of this chapter to provide for a
768 comprehensive continuum of accessible and quality substance
769 abuse prevention, intervention, clinical treatment, and recovery
770 support services in the most appropriate and least restrictive
771 environment which promotes long-term recovery while protecting
772 and respecting the rights of individuals, primarily through
773 community-based private not-for-profit providers working with
774 local governmental programs involving a wide range of agencies
775 from both the public and private sectors.

776 Section 12. Subsections (19) and (23) of section 397.311,
777 Florida Statutes, are amended to read:

778 397.311 Definitions.—As used in this chapter, except part
779 VIII, the term:

780 (19) "Impaired" or "substance abuse impaired" means having
781 a substance use disorder or a condition involving the use of
782 alcoholic beverages, illicit or prescription drugs, or any
783 psychoactive or mood-altering substance in such a manner as to

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784 induce mental, emotional, or physical problems or ~~and~~ cause
785 socially dysfunctional behavior.

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

790 Section 13. Section 397.341, Florida Statutes, is created
791 to read:

792 397.341 Transportation of individuals by law enforcement
793 officers.—A law enforcement officer transporting an individual
794 pursuant to this chapter shall consider the person's mental and
795 behavioral state and restrain him or her in the least
796 restrictive manner necessary under the circumstances, especially
797 if the individual is a minor.

798 Section 14. Subsection (11) is added to section 397.501,
799 Florida Statutes, to read:

800 397.501 Rights of individuals.—Individuals receiving
801 substance abuse services from any service provider are
802 guaranteed protection of the rights specified in this section,
803 unless otherwise expressly provided, and service providers must
804 ensure the protection of such rights.

805 (11) POST-DISCHARGE CONTINUUM OF CARE.—Upon discharge, the
806 facility must inform an individual with a serious substance use
807 disorder of the essential elements of recovery and provide
808 assistance with accessing a continuum of care regimen. The
809 department may adopt rules specifying the services that may be
810 provided to such respondents.

811 Section 15. Section 397.675, Florida Statutes, is amended
812 to read:

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813 397.675 Criteria for involuntary admissions, including
814 protective custody, emergency admission, and other involuntary
815 assessment, involuntary treatment, and alternative involuntary
816 assessment for minors, for purposes of assessment and
817 stabilization, and for involuntary treatment.—A person meets the
818 criteria for involuntary admission if there is good faith reason
819 to believe that the person is substance abuse impaired or has a
820 substance use disorder and a co-occurring mental health disorder
821 and, because of such impairment or disorder:

822 (1) Has lost the power of self-control with respect to
823 substance abuse, or has a history of noncompliance with
824 substance abuse treatment with continued substance use; and

825 (2) ~~(a)~~ Is in need of substance abuse services and, by
826 reason of substance abuse impairment, his or her judgment has
827 been so impaired that he or she is refusing voluntary care after
828 a sufficient and conscientious explanation and disclosure of the
829 purpose for such services, or is incapable of appreciating his
830 or her need for such services and of making a rational decision
831 in that regard, although mere refusal to receive such services
832 does not constitute evidence of lack of judgment with respect to
833 his or her need for such services; and ~~or~~

834 (3) (a) ~~(b)~~ Without care or treatment, is likely to suffer
835 from neglect or refuse to care for himself or herself; that such
836 neglect or refusal poses a real and present threat of
837 substantial harm to his or her well-being; and that it is not
838 apparent that such harm may be avoided through the help of
839 willing, able, and responsible family members or friends or the
840 provision of other services; or

841 (b) There is substantial likelihood that in the near future

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842 and without services, the person will inflict serious harm to
843 self or others, as evidenced by recent acts, omissions, or
844 behavior causing, attempting, or threatening such harm ~~has~~
845 ~~inflicted, or threatened to or attempted to inflict, or, unless~~
846 ~~admitted, is likely to inflict, physical harm on himself,~~
847 ~~herself, or another.~~

848 Section 16. Subsection (1) of section 397.6751, Florida
849 Statutes, is amended to read:

850 397.6751 Service provider responsibilities regarding
851 involuntary admissions.—

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

853 (a) Ensure that a person who is admitted to a licensed
854 service component meets the admission criteria specified in s.
855 397.675;

856 (b) Ascertain whether the medical and behavioral conditions
857 of the person, as presented, are beyond the safe management
858 capabilities of the service provider;

859 (c) Provide for the admission of the person to the service
860 component that represents the most appropriate and least
861 restrictive available setting that is responsive to the person's
862 treatment needs;

863 (d) Verify that the admission of the person to the service
864 component does not result in a census in excess of its licensed
865 service capacity;

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

869 (f) Take all necessary measures to ensure that each
870 individual in treatment is provided with a safe environment, and

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871 to ensure that each individual whose medical condition or
872 behavioral problem becomes such that he or she cannot be safely
873 managed by the service component is discharged and referred to a
874 more appropriate setting for care.

875 Section 17. Section 397.681, Florida Statutes, is amended
876 to read:

877 397.681 Involuntary petitions; general provisions; court
878 jurisdiction and right to counsel.—

879 (1) JURISDICTION.—The courts have jurisdiction of
880 ~~involuntary assessment and stabilization petitions and~~
881 involuntary treatment petitions for substance abuse impaired
882 persons, and such petitions must be filed with the clerk of the
883 court in the county where the person is located or resides. The
884 clerk of the court may not charge a fee for the filing of a
885 petition under this section. The chief judge may appoint a
886 general or special magistrate to preside over all or part of the
887 proceedings related to the petition or any ancillary matters
888 thereto, which include, but are not limited to, writs of habeas
889 corpus issued pursuant to s. 397.501(9). The alleged impaired
890 person is named as the respondent.

891 (2) RIGHT TO COUNSEL.—A respondent has the right to counsel
892 at every stage of a proceeding relating to a petition for his or
893 her ~~involuntary assessment and a petition for his or her~~
894 involuntary treatment for substance abuse impairment. A
895 respondent who desires counsel and is unable to afford private
896 counsel has the right to court-appointed counsel and to the
897 benefits of s. 57.081. If the court believes that the respondent
898 needs the assistance of counsel, the court shall appoint such
899 counsel for the respondent without regard to the respondent's

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900 wishes. If the respondent is a minor not otherwise represented
901 in the proceeding, the court shall immediately appoint a
902 guardian ad litem to act on the minor's behalf.

903 (3) STATE REPRESENTATIVE.—Subject to legislative
904 appropriation, for all court-involved involuntary proceedings
905 under this chapter in which the petitioner has not retained
906 private counsel, the state attorney for the circuit in which the
907 respondent is located shall represent the state rather than the
908 petitioner as the real party of interest in the proceeding, but
909 the petitioner has the right to be heard. Furthermore, the state
910 attorney may not use any record obtained under this part for
911 criminal investigation or prosecution purposes or for any
912 purpose other than the respondent's civil commitment under this
913 chapter. Any record obtained under this subsection must remain
914 confidential.

915 Section 18. Section 397.6811, Florida Statutes, is
916 repealed.

917 Section 19. Section 397.6814, Florida Statutes, is
918 repealed.

919 Section 20. Section 397.6815, Florida Statutes, is
920 repealed.

921 Section 21. Section 397.6818, Florida Statutes, is
922 repealed.

923 Section 22. Section 397.6819, Florida Statutes, is
924 repealed.

925 Section 23. Section 397.6821, Florida Statutes, is
926 repealed.

927 Section 24. Section 397.6822, Florida Statutes, is
928 repealed.

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929 Section 25. Section 397.693, Florida Statutes, is amended
930 to read:

931 397.693 Involuntary treatment.—A person may be the subject
932 of a petition for court-ordered involuntary treatment pursuant
933 to this part, if that person:

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

936 (2) ~~(1)~~ Has been placed under protective custody pursuant to
937 s. 397.677 within the previous 10 days;

938 (3) ~~(2)~~ Has been subject to an emergency admission pursuant
939 to s. 397.679 within the previous 10 days; or

940 (4) ~~(3)~~ Has been assessed by a qualified professional within
941 30 ~~5~~ days;

942 ~~(4) Has been subject to involuntary assessment and~~
943 ~~stabilization pursuant to s. 397.6818 within the previous 12~~
944 ~~days; or~~

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

947 Section 26. Section 397.695, Florida Statutes, is amended
948 to read:

949 397.695 Involuntary treatment services; persons who may
950 petition.—

951 (1) If the respondent is an adult, a petition for
952 involuntary treatment services may be filed by the respondent's
953 spouse or legal guardian, any relative, a service provider, or
954 an adult who has direct personal knowledge of the respondent's
955 substance abuse impairment and his or her prior course of
956 assessment and treatment.

957 (2) If the respondent is a minor, a petition for

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958 involuntary treatment may be filed by a parent, legal guardian,
959 or service provider.

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

963 Section 27. Section 397.6951, Florida Statutes, is amended
964 to read:

965 397.6951 Contents of petition for involuntary treatment
966 services.-

967 (1) A petition for involuntary treatment services must
968 contain the name of the respondent; the name of the petitioner
969 or petitioners; the relationship between the respondent and the
970 petitioner; the name of the respondent's attorney, if known; the
971 findings and recommendations of the assessment performed by the
972 qualified professional; and the factual allegations presented by
973 the petitioner establishing the need for involuntary outpatient
974 services for substance abuse impairment. The factual allegations
975 must demonstrate the reason for the petitioner's belief that the
976 respondent:

977 ~~(1) The reason for the petitioner's belief that the~~
978 ~~respondent is substance abuse impaired;~~

979 ~~(a) (2) The reason for the petitioner's belief that because~~
980 ~~of such impairment the respondent Has lost the power of self-~~
981 ~~control with respect to substance abuse, or has a history of~~
982 ~~noncompliance with substance abuse treatment with continued~~
983 ~~substance use; and~~

984 (b) Needs substance abuse services, but his or her judgment
985 is so impaired by substance abuse that he or she either is
986 refusing voluntary care after a sufficient and conscientious

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987 explanation and disclosure of the purpose of such services, or
988 is incapable of appreciating his or her need for such services
989 and of making a rational decision in that regard; and

990 (c)1. Without services, is likely to suffer from neglect or
991 refuse to care for himself or herself; that the neglect or
992 refusal poses a real and present threat of substantial harm to
993 his or her well-being; and that it is not apparent that the harm
994 may be avoided through the help of willing, able, and
995 responsible family members or friends or the provision of other
996 services; or

997 2. There is a substantial likelihood that in the near
998 future and without services, the respondent will inflict serious
999 harm to self or others, as evidenced by recent acts, omissions,
1000 or behavior causing, attempting, or threatening such harm.

1001 (2) The petition may be accompanied by a certificate or
1002 report of a qualified professional or a licensed physician who
1003 examined the respondent within 30 days before the petition was
1004 filed. This certificate or report must include the qualified
1005 professional's or physician's findings relating to his or her
1006 assessment of the patient and his or her treatment
1007 recommendations. If the respondent was not assessed before the
1008 filing of a treatment petition or refused to submit to an
1009 evaluation, the lack of assessment or refusal must be noted in
1010 the petition.

1011 (3) If there is an emergency, the petition must also
1012 describe the respondent's exigent circumstances and include a
1013 request for an ex parte assessment and stabilization order that
1014 must be executed pursuant to s. 397.6955(4)

1015 ~~(3) (a) The reason the petitioner believes that the~~

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1016 ~~respondent has inflicted or is likely to inflict physical harm~~
1017 ~~on himself or herself or others unless the court orders the~~
1018 ~~involuntary services; or~~

1019 ~~(b) The reason the petitioner believes that the~~
1020 ~~respondent's refusal to voluntarily receive care is based on~~
1021 ~~judgment so impaired by reason of substance abuse that the~~
1022 ~~respondent is incapable of appreciating his or her need for care~~
1023 ~~and of making a rational decision regarding that need for care.~~

1024 Section 28. Section 397.6955, Florida Statutes, is amended
1025 to read:

1026 397.6955 Duties of court upon filing of petition for
1027 involuntary treatment services.-

1028 (1) Upon the filing of a petition for involuntary treatment
1029 services for a substance abuse impaired person with the clerk of
1030 the court which does not indicate that the petitioner has
1031 retained private counsel, the clerk must notify the state
1032 attorney's office. In addition, the court shall immediately
1033 determine whether the respondent is represented by an attorney
1034 or whether the appointment of counsel for the respondent is
1035 appropriate. If, based on the contents of the petition, the
1036 court appoints counsel for the person, the clerk of the court
1037 shall immediately notify the office of criminal conflict and
1038 civil regional counsel, created pursuant to s. 27.511, of the
1039 appointment. The office of criminal conflict and civil regional
1040 counsel shall represent the person until the petition is
1041 dismissed, the court order expires, ~~or~~ the person is discharged
1042 from involuntary treatment services, or the office is otherwise
1043 discharged by the court. An attorney that represents the person
1044 named in the petition shall have access to the person,

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1045 witnesses, and records relevant to the presentation of the
1046 person's case and shall represent the interests of the person,
1047 regardless of the source of payment to the attorney.

1048 (2) The court shall schedule a hearing to be held on the
1049 petition within 10 court working ~~5~~ days unless a continuance is
1050 granted. ~~The court may appoint a magistrate to preside at the~~
1051 ~~hearing.~~

1052 (3) A copy of the petition and notice of the hearing must
1053 be provided to the respondent; the respondent's parent,
1054 guardian, or legal custodian, in the case of a minor; the
1055 respondent's attorney, if known; the petitioner; the
1056 respondent's spouse or guardian, if applicable; and such other
1057 persons as the court may direct. If the respondent is a minor, a
1058 copy of the petition and notice of the hearing must be
1059 personally delivered to the respondent. The clerk ~~court~~ shall
1060 also issue a summons to the person whose admission is sought,
1061 and unless a circuit court's chief judge authorizes
1062 disinterested private process servers to serve parties under
1063 this chapter, a law enforcement agency must effect service for
1064 the initial treatment hearing.

1065 (4) (a) When the petitioner asserts that emergency
1066 circumstances exist, or when upon review of the petition the
1067 court determines that an emergency exists, the court may rely
1068 solely on the contents of the petition and, without the
1069 appointment of an attorney, enter an ex parte order for the
1070 respondent's involuntary assessment and stabilization which must
1071 be executed during the period when the hearing on the petition
1072 for treatment is pending. The court may further order a law
1073 enforcement officer or other designated agent of the court to:

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1074 1. Take the respondent into custody and deliver him or her
1075 to either the nearest appropriate licensed service provider or a
1076 licensed service provider designated by the court to be
1077 evaluated; and

1078 2. Serve the respondent with the notice of hearing and a
1079 copy of the petition.

1080 (b) The service provider must promptly inform the court and
1081 parties of the respondent's arrival and may not hold the
1082 respondent for longer than 72 hours of observation thereafter,
1083 unless:

1084 1. The service provider seeks additional time under s.
1085 397.6957(1)(c) and the court, after a hearing, grants that
1086 motion;

1087 2. The respondent shows signs of withdrawal, or a need to
1088 be either detoxified or treated for a medical condition, which
1089 shall extend the amount of time the respondent may be held for
1090 observation until the issue is resolved; or

1091 3. The original or extended observation period ends on a
1092 weekend or holiday, in which case the provider may hold the
1093 respondent until the next court working day.

1094 (c) If the ex parte order was not executed by the initial
1095 hearing date, it shall be deemed void. However, if the
1096 respondent does not appear at the hearing for any reason,
1097 including lack of service, and upon reviewing the petition,
1098 testimony, and evidence presented, the court reasonably believes
1099 the respondent meets this chapter's commitment criteria and that
1100 a substance abuse emergency exists, the court may issue or
1101 reissue an ex parte assessment and stabilization order that is
1102 valid for 90 days. If the respondent's location is known at the

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1103 time of the hearing, the court:

1104 1. Shall continue the case for no more than 10 court
1105 working days; and

1106 2. May order a law enforcement officer or other designated
1107 agent of the court to:

1108 a. Take the respondent into custody and deliver him or her
1109 to be evaluated either by the nearest appropriate licensed
1110 service provider or by a licensed service provider designated by
1111 the court; and

1112 b. If a hearing date is set, serve the respondent with
1113 notice of the rescheduled hearing and a copy of the involuntary
1114 treatment petition if the respondent has not already been
1115 served.

1116
1117 Otherwise, the petitioner and the service provider must promptly
1118 inform the court that the respondent has been assessed so that
1119 the court may schedule a hearing as soon as practicable. The
1120 service provider must serve the respondent, before his or her
1121 discharge, with the notice of hearing and a copy of the
1122 petition. However, if the respondent has not been assessed
1123 within 90 days of the ex parte assessment and stabilization
1124 order, the court must dismiss the case.

1125 Section 29. Section 397.6957, Florida Statutes, is amended
1126 to read:

1127 397.6957 Hearing on petition for involuntary treatment
1128 services.—

1129 (1) (a) The respondent must be present at a hearing on a
1130 petition for involuntary treatment services unless he or she
1131 knowingly, intelligently, and voluntarily waives his or her

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1132 right to be present or, upon receiving proof of service and
1133 evaluating the circumstances of the case, the court finds that
1134 his or her presence is inconsistent with his or her best
1135 interests or is likely to be injurious to himself or herself or
1136 others. The court shall hear and review all relevant evidence,
1137 including testimony from individuals such as family members
1138 familiar with the respondent's prior history and how it relates
1139 to his or her current condition, and the ~~review of~~ results of
1140 the assessment completed by the qualified professional in
1141 connection with this chapter. The court may also order drug
1142 tests. Absent a showing of good cause, such as specific symptoms
1143 of the respondent's condition, the court may permit all
1144 witnesses, such as any medical professionals or personnel who
1145 are or have been involved with the respondent's treatment, to
1146 remotely attend and testify at the hearing under oath through
1147 audio-video teleconference. Any witness intending to remotely
1148 attend and testify at the hearing must provide the parties with
1149 all relevant documents by the close of business on the day
1150 before the hearing ~~the respondent's protective custody,~~
1151 emergency admission, involuntary assessment, or alternative
1152 involuntary admission. The respondent must be present unless the
1153 court finds that his or her presence is likely to be injurious
1154 to himself or herself or others, in which event the court must
1155 appoint a guardian advocate to act in behalf of the respondent
1156 throughout the proceedings.

1157 (b) A respondent cannot be involuntarily ordered into
1158 treatment under this chapter without a clinical assessment being
1159 performed, unless he or she is present in court and expressly
1160 waives the assessment. In nonemergency situations, if the

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1161 respondent was not, or had previously refused to be, assessed by
1162 a qualified professional and, based on the petition, testimony,
1163 and evidence presented, it reasonably appears that the
1164 respondent qualifies for involuntary treatment services, the
1165 court shall issue an involuntary assessment and stabilization
1166 order to determine the appropriate level of treatment the
1167 respondent requires. Additionally, in cases where an assessment
1168 was attached to the petition, the respondent may request, or the
1169 court on its own motion may order, an independent assessment by
1170 a court-appointed physician or an otherwise agreed-upon
1171 physician. If an assessment order is issued, it is valid for 90
1172 days, and if the respondent is present or there is either proof
1173 of service or his or her location is known, the involuntary
1174 treatment hearing shall be continued for no more than 10 court
1175 working days. Otherwise, the petitioner and the service provider
1176 must promptly inform the court that the respondent has been
1177 assessed so that the court may schedule a hearing as soon as
1178 practicable. The service provider shall then serve the
1179 respondent, before his or her discharge, with the notice of
1180 hearing and a copy of the petition. The assessment must occur
1181 before the new hearing date, and if there is evidence indicating
1182 that the respondent will not voluntarily appear at the
1183 forthcoming hearing, or is a danger to self or others, the court
1184 may enter a preliminary order committing the respondent to an
1185 appropriate treatment facility for further evaluation until the
1186 date of the rescheduled hearing. However, if after 90 days the
1187 respondent remains unassessed, the court shall dismiss the case.

1188 (c)1. The respondent's assessment by a qualified
1189 professional must occur within 72 hours after his or her arrival

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1190 at a licensed service provider unless he or she shows signs of
1191 withdrawal or a need to be either detoxified or treated for a
1192 medical condition, which shall extend the amount of time the
1193 respondent may be held for observation until that issue is
1194 resolved. If the person conducting the assessment is not a
1195 licensed physician, the assessment must be reviewed by a
1196 licensed physician within the 72-hour period. If the respondent
1197 is a minor, such assessment must be initiated within the first
1198 12 hours after the minor's admission to the facility. The
1199 service provider may also move to extend the 72 hours of
1200 observation by petitioning the court in writing for additional
1201 time. The service provider must furnish copies of such motion to
1202 all parties in accordance with applicable confidentiality
1203 requirements, and, after a hearing, the court may grant
1204 additional time or expedite the respondent's involuntary
1205 treatment hearing. The involuntary treatment hearing, however,
1206 may be expedited only by agreement of the parties on the hearing
1207 date or if there is notice and proof of service as provided in
1208 s. 397.6955(1) and (3). If the court grants the service
1209 provider's petition, the service provider may hold the
1210 respondent until its extended assessment period expires or until
1211 the expedited hearing date. However, if the original or extended
1212 observation period ends on a weekend or holiday, the provider
1213 may hold the respondent until the next court working day.

1214 2. Upon the completion of his or her report, the qualified
1215 professional, in accordance with applicable confidentiality
1216 requirements, shall provide copies to the court and all relevant
1217 parties and counsel. This report must contain a recommendation
1218 on the level, if any, of substance abuse and, if applicable, co-

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1219 occurring mental health treatment the respondent requires. The
1220 qualified professional's failure to include a treatment
1221 recommendation, much like a recommendation of no treatment,
1222 shall result in the petition's dismissal.

1223 (d) The court may order a law enforcement officer or other
1224 designated agent of the court to take the respondent into
1225 custody and transport him or her to or from the treating or
1226 assessing service provider and the court for his or her hearing.

1227 (2) The petitioner has the burden of proving by clear and
1228 convincing evidence that:

1229 (a) The respondent is substance abuse impaired, has lost
1230 the power of self-control with respect to substance abuse, or
1231 and has a history of lack of compliance with treatment for
1232 substance abuse with continued substance use; and

1233 (b) Because of such impairment, the respondent is unlikely
1234 to voluntarily participate in the recommended services after
1235 sufficient and conscientious explanation and disclosure of their
1236 purpose, or is unable to determine for himself or herself
1237 whether services are necessary and make a rational decision in
1238 that regard; and

1239 (c)1. Without services, the respondent is likely to suffer
1240 from neglect or refuse to care for himself or herself; that such
1241 neglect or refusal poses a real and present threat of
1242 substantial harm to his or her well-being; and that it is not
1243 apparent that such harm may be avoided through the help of
1244 willing, able, and responsible family members or friends or the
1245 provision of other services; or

1246 2. There is a substantial likelihood that in the near
1247 future and without services, the respondent will inflict serious

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1248 harm to self or others, as evidenced by recent acts, omissions,
1249 or behavior causing, attempting, or threatening such harm ~~cause~~
1250 ~~serious bodily harm to himself, herself, or another in the near~~
1251 ~~future, as evidenced by recent behavior; or~~

1252 ~~2. The respondent's refusal to voluntarily receive care is~~
1253 ~~based on judgment so impaired by reason of substance abuse that~~
1254 ~~the respondent is incapable of appreciating his or her need for~~
1255 ~~care and of making a rational decision regarding that need for~~
1256 ~~care.~~

1257 ~~(3) One of the qualified professionals who executed the~~
1258 ~~involuntary services certificate must be a witness. The court~~
1259 ~~shall allow testimony from individuals, including family~~
1260 ~~members, deemed by the court to be relevant under state law,~~
1261 ~~regarding the respondent's prior history and how that prior~~
1262 ~~history relates to the person's current condition. The Testimony~~
1263 ~~in the hearing must be taken under oath, and the proceedings~~
1264 ~~must be recorded. The respondent patient may refuse to testify~~
1265 ~~at the hearing.~~

1266 ~~(4) If at any point during the hearing the court has reason~~
1267 ~~to believe that the respondent, due to mental illness other than~~
1268 ~~or in addition to substance abuse impairment, is likely to~~
1269 ~~neglect or injure himself, herself, or another if allowed to~~
1270 ~~remain at liberty, or otherwise meets the involuntary commitment~~
1271 ~~provisions of part I of chapter 394, the court may initiate~~
1272 ~~involuntary examination proceedings under such provisions.~~

1273 ~~(5) At the conclusion of the hearing, the court shall~~
1274 ~~either dismiss the petition or order the respondent to receive~~
1275 ~~involuntary treatment services from his or her chosen licensed~~
1276 ~~service provider if possible and appropriate. Any treatment~~

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1277 order must include findings regarding the respondent's need for
1278 treatment and the appropriateness of other less restrictive
1279 alternatives.

1280 Section 30. Section 397.697, Florida Statutes, is amended
1281 to read:

1282 397.697 Court determination; effect of court order for
1283 involuntary treatment services.-

1284 (1) (a) When the court finds that the conditions for
1285 involuntary treatment services have been proved by clear and
1286 convincing evidence, it may order the respondent to receive
1287 involuntary treatment services from a publicly funded licensed
1288 service provider for a period not to exceed 90 days. The court
1289 may also order a respondent to undergo treatment through a
1290 privately funded licensed service provider if the respondent has
1291 the ability to pay for the treatment, or if any person on the
1292 respondent's behalf voluntarily demonstrates a willingness and
1293 an ability to pay for the treatment. If the court finds it
1294 necessary, it may direct the sheriff to take the respondent into
1295 custody and deliver him or her to the licensed service provider
1296 specified in the court order, or to the nearest appropriate
1297 licensed service provider, for involuntary treatment services.
1298 When the conditions justifying involuntary treatment services no
1299 longer exist, the individual must be released as provided in s.
1300 397.6971. When the conditions justifying involuntary treatment
1301 services are expected to exist after 90 days of treatment
1302 services, a renewal of the involuntary treatment services order
1303 may be requested pursuant to s. 397.6975 before the end of the
1304 90-day period.

1305 (b) To qualify for involuntary outpatient treatment, an

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1306 individual must be supported by a social worker or case manager
1307 of a licensed service provider or a willing, able, and
1308 responsible individual appointed by the court who shall inform
1309 the court and parties if the respondent fails to comply with his
1310 or her outpatient program. In addition, unless the respondent
1311 has been involuntarily ordered into inpatient treatment under
1312 this chapter at least twice during the last 36 months, or
1313 demonstrates the ability to substantially comply with the
1314 outpatient treatment while waiting for residential placement to
1315 become available, he or she must receive an assessment from a
1316 qualified professional or licensed physician expressly
1317 recommending outpatient services, such services must be
1318 available in the county in which the respondent is located, and
1319 it must appear likely that the respondent will follow a
1320 prescribed outpatient care plan.

1321 (2) In all cases resulting in an order for involuntary
1322 treatment services, the court shall retain jurisdiction over the
1323 case and the parties for the entry of such further orders as the
1324 circumstances may require, including, but not limited to,
1325 monitoring compliance with treatment, changing the treatment
1326 modality, or initiating contempt of court proceedings for
1327 violating any valid order issued pursuant to this chapter.
1328 Hearings under this section may be set by motion of the parties
1329 or under the court's own authority, and the motion and notice of
1330 hearing for these ancillary proceedings, which include, but are
1331 not limited to, civil contempt, must be served in accordance
1332 with relevant court procedural rules. The court's requirements
1333 for notification of proposed release must be included in the
1334 original order.

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1335 (3) An involuntary treatment services order also authorizes
1336 the licensed service provider to require the individual to
1337 receive treatment services that will benefit him or her,
1338 including treatment services at any licensable service component
1339 of a licensed service provider. While subject to the court's
1340 oversight, the service provider's authority under this section
1341 is separate and distinct from the court's broad continuing
1342 jurisdiction under subsection (2). Such oversight includes, but
1343 is not limited to, submitting reports regarding the respondent's
1344 progress or compliance with treatment as required by the court.

1345 (4) If the court orders involuntary treatment services, a
1346 copy of the order must be sent to the managing entity within 1
1347 working day after it is received from the court. Documents may
1348 be submitted electronically through ~~though~~ existing data
1349 systems, if applicable. The department shall also receive and
1350 maintain copies of involuntary assessment and treatment orders
1351 issued pursuant to ss. 397.6955 and 397.6957, professional
1352 certificates, and law enforcement officers' protective custody
1353 reports. These documents shall be used to prepare annual reports
1354 analyzing the data obtained from these documents, without
1355 information identifying patients, and the department shall
1356 provide copies of these reports to the Governor, the President
1357 of the Senate, the Speaker of the House of Representatives, and
1358 the minority leaders of the Senate and the House of
1359 Representatives.

1360 Section 31. Section 397.6971, Florida Statutes, is amended
1361 to read:

1362 397.6971 Early release from involuntary treatment
1363 services.-

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1364 (1) At any time before the end of the 90-day involuntary
1365 treatment services period, or before the end of any extension
1366 granted pursuant to s. 397.6975, an individual receiving
1367 involuntary treatment services may be determined eligible for
1368 discharge to the most appropriate referral or disposition for
1369 the individual when any of the following apply:

1370 (a) The individual no longer meets the criteria for
1371 involuntary admission and has given his or her informed consent
1372 to be transferred to voluntary treatment status.

1373 (b) If the individual was admitted on the grounds of
1374 likelihood of self-neglect or the infliction of ~~physical~~ harm
1375 upon himself or herself or others, such likelihood no longer
1376 exists.

1377 (c) If the individual was admitted on the grounds of need
1378 for assessment and stabilization or treatment, accompanied by
1379 inability to make a determination respecting such need:

- 1380 1. Such inability no longer exists; or
- 1381 2. It is evident that further treatment will not bring
1382 about further significant improvements in the individual's
1383 condition.

1384 (d) The individual ~~is~~ no longer needs treatment ~~in need of~~
1385 services.

1386 (e) The director of the service provider determines that
1387 the individual is beyond the safe management capabilities of the
1388 provider.

1389 (2) Whenever a qualified professional determines that an
1390 individual admitted for involuntary treatment services qualifies
1391 for early release under subsection (1), the service provider
1392 shall immediately discharge the individual and must notify all

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1393 persons specified by the court in the original treatment order.

1394 Section 32. Section 397.6975, Florida Statutes, is amended
1395 to read:

1396 397.6975 Extension of involuntary treatment services
1397 period.—

1398 (1) Whenever a service provider believes that an individual
1399 who is nearing the scheduled date of his or her release from
1400 involuntary treatment services continues to meet the criteria
1401 for involuntary treatment services in s. 397.693 or s. 397.6957,
1402 a petition for renewal of the involuntary treatment services
1403 order must ~~may~~ be filed with the court ~~at least 10 days~~ before
1404 the expiration of the court-ordered services period. The
1405 petition may be filed by the service provider or by the person
1406 who filed the petition for the initial treatment order if the
1407 petition is accompanied by supporting documentation from the
1408 service provider. The court shall ~~immediately~~ schedule a hearing
1409 within 10 court working to be held not more than 15 days after
1410 filing of the petition and. ~~The court shall~~ provide the copy of
1411 the petition for renewal and the notice of the hearing to all
1412 parties and counsel to the proceeding. The hearing is conducted
1413 pursuant to ss. 397.6957 and 397.697 and must be before the
1414 circuit court unless referred to a magistrate s. 397.6957.

1415 (2) If the court finds that the petition for renewal of ~~the~~
1416 involuntary treatment services ~~order~~ should be granted, it may
1417 order the respondent to receive involuntary treatment services
1418 for a period not to exceed an additional 90 days. When the
1419 conditions justifying involuntary treatment services no longer
1420 exist, the individual must be released as provided in s.
1421 397.6971. When the conditions justifying involuntary treatment

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1422 services continue to exist after an additional 90 days of
1423 treatment service, a new petition requesting renewal of the
1424 involuntary treatment services order may be filed pursuant to
1425 this section.

1426 ~~(3) Within 1 court working day after the filing of a~~
1427 ~~petition for continued involuntary services, the court shall~~
1428 ~~appoint the office of criminal conflict and civil regional~~
1429 ~~counsel to represent the respondent, unless the respondent is~~
1430 ~~otherwise represented by counsel. The clerk of the court shall~~
1431 ~~immediately notify the office of criminal conflict and civil~~
1432 ~~regional counsel of such appointment. The office of criminal~~
1433 ~~conflict and civil regional counsel shall represent the~~
1434 ~~respondent until the petition is dismissed or the court order~~
1435 ~~expires or the respondent is discharged from involuntary~~
1436 ~~services. Any attorney representing the respondent shall have~~
1437 ~~access to the respondent, witnesses, and records relevant to the~~
1438 ~~presentation of the respondent's case and shall represent the~~
1439 ~~interests of the respondent, regardless of the source of payment~~
1440 ~~to the attorney.~~

1441 ~~(4) Hearings on petitions for continued involuntary~~
1442 ~~services shall be before the circuit court. The court may~~
1443 ~~appoint a magistrate to preside at the hearing. The procedures~~
1444 ~~for obtaining an order pursuant to this section shall be in~~
1445 ~~accordance with s. 397.697.~~

1446 ~~(5) Notice of hearing shall be provided to the respondent~~
1447 ~~or his or her counsel. The respondent and the respondent's~~
1448 ~~counsel may agree to a period of continued involuntary services~~
1449 ~~without a court hearing.~~

1450 ~~(6) The same procedure shall be repeated before the~~

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1451 ~~expiration of each additional period of involuntary services.~~

1452 ~~(7) If the respondent has previously been found incompetent~~
1453 ~~to consent to treatment, the court shall consider testimony and~~
1454 ~~evidence regarding the respondent's competence.~~

1455 Section 33. Section 397.6977, Florida Statutes, is amended
1456 to read:

1457 397.6977 Disposition of individual upon completion of
1458 involuntary treatment services.—At the conclusion of the 90-day
1459 period of court-ordered involuntary treatment services, the
1460 respondent is automatically discharged unless a motion for
1461 renewal of the involuntary treatment services order has been
1462 filed with the court pursuant to s. 397.6975.

1463 Section 34. Section 397.6978, Florida Statutes, is
1464 repealed.

1465 Section 35. This act shall take effect July 1, 2022.