

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Gonzalez Pittman offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 136-220 and insert:

7 **Section 5. Paragraph (a) of subsection (1) and paragraphs**
8 **(b), (c), (d), (i), and (j) of subsection (11) of section**
9 **394.467, Florida Statutes, are amended to read:**

10 394.467 Involuntary inpatient placement and involuntary
11 outpatient services.—

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

13 (a) "Court" means a circuit court or, for commitments only
14 to involuntary outpatient services as defined in paragraph (c)
15 s. 394.4655, a county court.

16 (11) PROCEDURE FOR CONTINUED INVOLUNTARY SERVICES.—

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17 (b)1. If a patient receiving involuntary outpatient
18 services continues to meet the criteria for involuntary
19 outpatient services, the service provider must file in the court
20 that issued the initial order for involuntary outpatient
21 services a petition for continued involuntary outpatient
22 services.

23 2. If a patient in involuntary inpatient placement
24 continues to meet the criteria for involuntary services and is
25 being treated at a receiving facility, the administrator must,
26 before the expiration of the period the receiving facility is
27 authorized to retain the patient, file in the court that issued
28 the initial order for involuntary inpatient placement, a
29 petition requesting authorization for continued involuntary
30 services. The administrator may petition for inpatient or
31 outpatient services.

32 3. If a patient in involuntary inpatient placement
33 continues to meet the criteria for involuntary services and is
34 being treated at a treatment facility, the administrator must,
35 before expiration of the period the treatment facility is
36 authorized to retain the patient, file a petition requesting
37 authorization for continued involuntary services. The
38 administrator may petition for inpatient or outpatient services.
39 Hearings on petitions for continued involuntary services of an
40 individual placed at any treatment facility are administrative
41 hearings and must be conducted in accordance with s. 120.57(1),

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42 except that any order entered by the administrative law judge is
43 final and subject to judicial review in accordance with s.
44 120.68. Orders concerning patients committed after successfully
45 pleading not guilty by reason of insanity are governed by s.
46 916.15.

47 4. The court shall immediately schedule a hearing on the
48 petition to be held within 15 days after the petition is filed.

49 5. The existing involuntary services order shall remain in
50 effect until disposition on the petition for continued
51 involuntary services.

52 (c) The petition must be accompanied by a statement from
53 the patient's physician, psychiatrist, psychiatric nurse, or
54 clinical psychologist justifying the request, a brief
55 description of the patient's treatment during the time he or she
56 was receiving involuntary services, and an individualized plan
57 of continued treatment developed in consultation with the
58 patient or the patient's guardian advocate, if applicable. If
59 the petition is for involuntary outpatient services, it must
60 comply with the requirements of subparagraph (4)(d)3. When the
61 petition has been filed, the clerk of the court shall provide
62 copies of the petition and the individualized plan of continued
63 services to the department, the patient, the patient's guardian
64 advocate, the state attorney, and the patient's private counsel
65 or the public defender.

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66 (d) Unless a patient is otherwise represented or is
67 ineligible, the public defender of the circuit in which the
68 patient is receiving services shall represent the patient at the
69 hearing on the petition for continued involuntary services ~~The~~
70 ~~court shall appoint counsel to represent the person who is the~~
71 ~~subject of the petition for continued involuntary services in~~
72 ~~accordance with the provisions set forth in subsection (5),~~
73 ~~unless the person is otherwise represented by counsel or~~
74 ~~ineligible.~~

75 (i) If a patient's attendance at the hearing is
76 voluntarily waived, the court or the administrative law judge
77 must determine that the patient knowingly, intelligently, and
78 voluntarily waived his or her right to be present, before
79 waiving the presence of the patient from all or a portion of the
80 hearing. Alternatively, if at the hearing the court or the
81 administrative law judge finds that attendance at the hearing is
82 not consistent with the best interests of the patient, the court
83 or the administrative law judge may waive the presence of the
84 patient from all or any portion of the hearing, unless the
85 patient, through counsel, objects to the waiver of presence. The
86 testimony in the hearing must be under oath, and the proceedings
87 must be recorded.

88 (j) If at a hearing it is shown that the patient continues
89 to meet the criteria for involuntary services, the court or the
90 administrative law judge shall issue an order for continued

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91 involuntary outpatient services, involuntary inpatient
92 placement, or a combination of involuntary services for up to 6
93 months, as applicable. The same procedure shall be repeated
94 before the expiration of each additional period the patient is
95 retained.

96
97 The procedure required in this subsection must be followed
98 before the expiration of each additional period the patient is
99 involuntarily receiving services.

100
101 -----

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

103 Remove lines 19-24 and insert:

104 to judicial review; requiring the patient to be
105 represented by the public defender of the circuit in
106 which the patient is receiving services at hearings
107 for continued involuntary services; requiring the
108 court