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 27 Section 1. Subsections (32) through (39) and (40) through
 28 (50) of section 394.455, Florida Statutes, are renumbered as
 29 subsections (33) through (40) and (42) through (52),
 30 respectively, subsection (23) is amended, and new subsections
 31 (32) and (41) are added to that section, to read:

32 394.455 Definitions.—As used in this part, the term:

33 (23) "Involuntary examination" means an examination
 34 performed under s. 394.463, s. 397.6772, s. 397.679, s.
 35 397.6798, or s. 397.6957 ~~s. 397.6811~~ to determine whether a
 36 person qualifies for involuntary services.

37 (32) "Neglect or refuse to care for himself or herself"
 38 means a refusal to accept treatment and includes, but is not
 39 limited to, evidence that a person:

40 (a) Is, for a reason other than indigence, unable to
 41 satisfy basic needs for nourishment, clothing, medical care,
 42 shelter, or safety, thereby creating a substantial probability
 43 of imminent death, serious physical debilitation, or disease; or

44 (b) Is substantially unable to make an informed treatment
 45 choice, after an explanation of the advantages and disadvantages
 46 of, and alternatives to, treatment, and needs care or treatment
 47 to prevent deterioration. However, the following do not
 48 constitute a refusal to accept treatment:

49 1. A willingness to take medication appropriate for the
 50 person's condition, but a reasonable disagreement about type or

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51 dosage;

52 2. A good faith effort to follow a reasonable treatment
53 plan;

54 3. An inability to obtain access to appropriate treatment
55 because of inadequate health care coverage or an insurer's
56 refusal or delay in providing coverage for treatment; or

57 4. An inability to obtain access to needed services
58 because the provider has no available treatment beds or
59 qualified professionals, the provider only accepts patients
60 under court order, or the provider gives persons under court
61 order priority over voluntary patients in obtaining treatment
62 and services.

63 (41) "Real and present threat of substantial harm"
64 includes, but is not limited to, evidence of a substantial
65 probability that the untreated person will:

66 (a) Lack, refuse, or not receive services for health and
67 safety which are actually available in the community; or

68 (b) Suffer severe mental, emotional, or physical harm that
69 will result in the loss of his or her ability to function in the
70 community or in the loss of cognitive or volitional control over
71 his or her thoughts or actions.

72 Section 2. Section 394.4655, Florida Statutes, is amended
73 to read:

74 (Substantial rewording of section. See
75 s. 394.4655, F.S., for present text.)

394.4655 Involuntary outpatient services.-

(1)(a) A court may order a respondent into outpatient treatment for up to 6 months if, during the initial hearing under s. 394.467 or a subsequent hearing before a respondent's anticipated discharge from inpatient placement, at the request of the facility, and providing at least 1 week notice to the court and the parties of its belief that the respondent would benefit from involuntary outpatient services, it is established that the respondent meets the involuntary placement criteria and all of the following:

1. The respondent has been incarcerated, has been involuntarily admitted to a receiving facility or treatment facility as defined in s. 394.455, or has received mental health services in a forensic or correctional facility at least twice during the previous 36 months.

2. The outpatient treatment is provided and available in the county in which the respondent resides or will reside if he or she is being placed from a state treatment facility.

3. The respondent's treating physician certifies, within a reasonable degree of medical probability, that the respondent:

a. May be appropriately treated on an outpatient basis.

b. Is able to follow and benefit from the prescribed treatment plan.

(b) For the duration of his or her treatment, the respondent must be monitored by a social worker or case manager

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101 of the outpatient treatment provider, or a willing, able, and
102 responsible individual appointed by the court who must inform
103 the court, state attorney, and respondent's counsel of any
104 failure by the respondent to comply with his or her outpatient
105 program.

106 (2) The court shall, if required, retain jurisdiction over
107 the case and parties for the entry of further orders after a
108 hearing. Such jurisdiction includes, but is not limited to,
109 ordering inpatient treatment to stabilize a respondent who
110 decompensates while under court-ordered treatment and meets the
111 commitment criteria of s. 394.467(1), and extending, modifying,
112 or ending outpatient services. For a court to extend, modify, or
113 end outpatient services, the appropriate motion must be filed
114 with the court before the operating order expires, and the court
115 shall schedule a hearing as soon as practicable to determine
116 whether the respondent still meets the commitment criteria and
117 assess the appropriateness of any treatment modification.

118 (3) A criminal county court exercising its original
119 jurisdiction in a misdemeanor case under s. 34.01 may order into
120 involuntary outpatient services a respondent who meets the
121 commitment criteria. The court may not use incarceration as a
122 sanction for noncompliance with the outpatient treatment plan,
123 but it may order an evaluation for possible inpatient placement
124 if there is significant, or multiple instances of,
125 noncompliance.

126 Section 3. Paragraph (a) of subsection (1) of section
 127 394.467, Florida Statutes, is amended to read:

128 394.467 Involuntary inpatient placement.—

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

132 (a) He or she has a mental illness and because of his or
 133 her mental illness:

134 1.a. He or she has refused voluntary inpatient placement
 135 for treatment after sufficient and conscientious explanation and
 136 disclosure of the purpose of inpatient placement for treatment;
 137 or

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

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

146 b. There is substantial likelihood that in the near
 147 future, and without services, he or she will inflict serious
 148 ~~bodily~~ harm to ~~en~~ self or others, as evidenced by recent acts,
 149 omissions, or behavior causing, attempting, or threatening such
 150 harm, including, but not limited to, significant property

151 damage; and

152 Section 4. Paragraph (d) of subsection (2) of section
153 394.4599, Florida Statutes, is amended to read:

154 394.4599 Notice.—

155 (2) INVOLUNTARY ADMISSION.—

156 (d) The written notice of the filing of the petition for
157 involuntary services for an individual being held must contain
158 the following:

159 1. Notice that the petition for:

160 a. Involuntary inpatient treatment pursuant to s. 394.467
161 has been filed with the circuit court in the county in which the
162 individual is hospitalized and the address of such court; or

163 b. Involuntary outpatient services pursuant to s. 394.4655
164 has been filed with the criminal county court, as provided under
165 s. 394.4655 ~~defined in s. 394.4655(1)~~, or the circuit court, as
166 applicable, in the county in which the individual is
167 hospitalized and the address of such court.

168 2. Notice that the office of the public defender has been
169 appointed to represent the individual in the proceeding, if the
170 individual is not otherwise represented by counsel.

171 3. The date, time, and place of the hearing and the name
172 of each examining expert and every other person expected to
173 testify in support of continued detention.

174 4. Notice that the individual, the individual's guardian,
175 guardian advocate, health care surrogate or proxy, or

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176 representative, or the administrator may apply for a change of
177 venue for the convenience of the parties or witnesses or because
178 of the condition of the individual.

179 5. Notice that the individual is entitled to an
180 independent expert examination and, if the individual cannot
181 afford such an examination, that the court will provide for one.

182 Section 5. Subsection (3) of section 394.4615, Florida
183 Statutes, is amended to read:

184 394.4615 Clinical records; confidentiality.—

185 (3) Information from the clinical record may be released
186 in the following circumstances:

187 (a) When a patient has communicated to a service provider
188 a specific threat to cause serious bodily injury or death to an
189 identified or a readily available person, if the service
190 provider reasonably believes, or should reasonably believe
191 according to the standards of his or her profession, that the
192 patient has the apparent intent and ability to imminently or
193 immediately carry out such threat. When such communication has
194 been made, the administrator may authorize the release of
195 sufficient information to provide adequate warning to the person
196 threatened with harm by the patient.

197 (b) When the administrator of the facility or secretary of
198 the department deems release to a qualified researcher as
199 defined in administrative rule, an aftercare treatment provider,
200 or an employee or agent of the department is necessary for

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201 treatment of the patient, maintenance of adequate records,
 202 compilation of treatment data, aftercare planning, or evaluation
 203 of programs.

204
 205 For the purpose of determining whether a person meets the
 206 criteria for involuntary outpatient placement or for preparing
 207 the proposed treatment plan pursuant to s. 394.4655, the
 208 clinical record may be released to the state attorney, the
 209 public defender or the patient's private legal counsel, the
 210 court, and to the appropriate mental health professionals,
 211 ~~including the service provider identified in s.~~
 212 ~~394.4655(7)(b)2.,~~ in accordance with state and federal law.

213 Section 6. Paragraph (g) of subsection (2) of section
 214 394.463, Florida Statutes, is amended to read:

215 394.463 Involuntary examination.—

216 (2) INVOLUNTARY EXAMINATION.—

217 (g) The examination period must be for up to 72 hours. For
 218 a minor, the examination shall be initiated within 12 hours
 219 after the patient's arrival at the facility. Within the
 220 examination period, one of the following actions must be taken,
 221 based on the individual needs of the patient:

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

225 2. The patient shall be released, subject to subparagraph

226 1., for voluntary outpatient treatment;

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

231 4. A petition for involuntary services shall be filed in
 232 the circuit court if inpatient treatment is deemed necessary or
 233 with the criminal county court, ~~as defined in s. 394.4655(1),~~ as
 234 applicable. When inpatient treatment is deemed necessary, the
 235 least restrictive treatment consistent with the optimum
 236 improvement of the patient's condition shall be made available.
 237 ~~When a petition is to be filed for involuntary outpatient~~
 238 ~~placement, it shall be filed by one of the petitioners specified~~
 239 ~~in s. 394.4655(4)(a).~~ A petition for involuntary inpatient
 240 placement shall be filed by the facility administrator. If a
 241 patient's 72-hour examination period ends on a weekend or
 242 holiday, and the receiving facility:

243 a. Intends to file a petition for involuntary services,
 244 such patient may be held at a receiving facility through the
 245 next working day thereafter and such petition for involuntary
 246 services must be filed no later than such date. If the receiving
 247 facility fails to file a petition for involuntary services at
 248 the close of the next working day, the patient shall be released
 249 from the receiving facility following approval pursuant to
 250 paragraph (f).

251 b. Does not intend to file a petition for involuntary
 252 services, a receiving facility may postpone release of a patient
 253 until the next working day thereafter only if a qualified
 254 professional documents that adequate discharge planning and
 255 procedures in accordance with s. 394.468, and approval pursuant
 256 to paragraph (f), are not possible until the next working day.

257 Section 7. Paragraph (c) of subsection (6) of section
 258 394.467, Florida Statutes, is amended to read:

259 394.467 Involuntary inpatient placement.—

260 (6) HEARING ON INVOLUNTARY INPATIENT PLACEMENT.—

261 (c) If at any time before the conclusion of the hearing on
 262 involuntary inpatient placement it appears to the court that the
 263 person does not meet the criteria for involuntary inpatient
 264 placement under this section, but instead meets the criteria for
 265 involuntary outpatient services, the court may order the person
 266 evaluated for involuntary outpatient services pursuant to s.
 267 394.4655. ~~The petition and hearing procedures set forth in s.~~
 268 ~~394.4655 shall apply.~~ If the person instead meets the criteria
 269 for involuntary assessment, protective custody, or involuntary
 270 admission pursuant to s. 397.675, then the court may order the
 271 person to be admitted for involuntary assessment for a period of
 272 5 days pursuant to s. 397.6811. Thereafter, all proceedings are
 273 governed by chapter 397.

274 Section 8. Paragraphs (a) and (c) of subsection (3) of
 275 section 394.495, Florida Statutes, are amended to read:

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276 394.495 Child and adolescent mental health system of care;
 277 programs and services.—

278 (3) Assessments must be performed by:

279 (a) A professional as defined in s. 394.455(5), (7), (34)
 280 ~~(33)~~, (37) ~~(36)~~, or (38) ~~(37)~~;

281 (c) A person who is under the direct supervision of a
 282 qualified professional as defined in s. 394.455(5), (7), (34)
 283 ~~(33)~~, (37) ~~(36)~~, or (38) ~~(37)~~ or a professional licensed under
 284 chapter 491.

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

287 394.496 Service planning.—

288 (5) A professional as defined in s. 394.455(5), (7), (34)
 289 ~~(33)~~, (37) ~~(36)~~, or (38) ~~(37)~~ or a professional licensed under
 290 chapter 491 must be included among those persons developing the
 291 services plan.

292 Section 10. Subsection (6) of section 394.9085, Florida
 293 Statutes, is amended to read:

294 394.9085 Behavioral provider liability.—

295 (6) For purposes of this section, the terms
 296 "detoxification services," "addictions receiving facility," and
 297 "receiving facility" have the same meanings as those provided in
 298 ss. 397.311(26) (a) 3., 397.311(26) (a) 1., and 394.455 ~~394.455(40)~~,
 299 respectively.

300 Section 11. Paragraph (b) of subsection (1) of section

301 409.972, Florida Statutes, is amended to read:

302 409.972 Mandatory and voluntary enrollment.—

303 (1) The following Medicaid-eligible persons are exempt
 304 from mandatory managed care enrollment required by s. 409.965,
 305 and may voluntarily choose to participate in the managed medical
 306 assistance program:

307 (b) Medicaid recipients residing in residential commitment
 308 facilities operated through the Department of Juvenile Justice
 309 or a treatment facility as defined in s. 394.455 ~~s. 394.455(49)~~.

310 Section 12. Paragraph (e) of subsection (4) of section
 311 464.012, Florida Statutes, is amended to read:

312 464.012 Licensure of advanced practice registered nurses;
 313 fees; controlled substance prescribing.—

314 (4) In addition to the general functions specified in
 315 subsection (3), an advanced practice registered nurse may
 316 perform the following acts within his or her specialty:

317 (e) A psychiatric nurse, who meets the requirements in s.
 318 394.455 ~~s. 394.455(36)~~, within the framework of an established
 319 protocol with a psychiatrist, may prescribe psychotropic
 320 controlled substances for the treatment of mental disorders.

321 Section 13. Subsection (7) of section 744.2007, Florida
 322 Statutes, is amended to read:

323 744.2007 Powers and duties.—

324 (7) A public guardian may not commit a ward to a treatment
 325 facility, as defined in s. 394.455 ~~s. 394.455(49)~~, without an

326 involuntary placement proceeding as provided by law.

327 Section 14. Paragraph (a) of subsection (2) of section
328 790.065, Florida Statutes, is amended to read:

329 790.065 Sale and delivery of firearms.—

330 (2) Upon receipt of a request for a criminal history
331 record check, the Department of Law Enforcement shall, during
332 the licensee's call or by return call, forthwith:

333 (a) Review any records available to determine if the
334 potential buyer or transferee:

335 1. Has been convicted of a felony and is prohibited from
336 receipt or possession of a firearm pursuant to s. 790.23;

337 2. Has been convicted of a misdemeanor crime of domestic
338 violence, and therefore is prohibited from purchasing a firearm;

339 3. Has had adjudication of guilt withheld or imposition of
340 sentence suspended on any felony or misdemeanor crime of
341 domestic violence unless 3 years have elapsed since probation or
342 any other conditions set by the court have been fulfilled or
343 expunction has occurred; or

344 4. Has been adjudicated mentally defective or has been
345 committed to a mental institution by a court or as provided in
346 sub-sub-subparagraph b.(II), and as a result is prohibited by
347 state or federal law from purchasing a firearm.

348 a. As used in this subparagraph, "adjudicated mentally
349 defective" means a determination by a court that a person, as a
350 result of marked subnormal intelligence, or mental illness,

351 incompetency, condition, or disease, is a danger to himself or
 352 herself or to others or lacks the mental capacity to contract or
 353 manage his or her own affairs. The phrase includes a judicial
 354 finding of incapacity under s. 744.331(6)(a), an acquittal by
 355 reason of insanity of a person charged with a criminal offense,
 356 and a judicial finding that a criminal defendant is not
 357 competent to stand trial.

358 b. As used in this subparagraph, "committed to a mental
 359 institution" means:

360 (I) Involuntary commitment, commitment for mental
 361 defectiveness or mental illness, and commitment for substance
 362 abuse. The phrase includes involuntary inpatient placement as
 363 defined in s. 394.467, involuntary outpatient placement as
 364 described ~~defined~~ in s. 394.4655, involuntary assessment and
 365 stabilization under s. 397.6818, and involuntary substance abuse
 366 treatment under s. 397.6957, but does not include a person in a
 367 mental institution for observation or discharged from a mental
 368 institution based upon the initial review by the physician or a
 369 voluntary admission to a mental institution; or

370 (II) Notwithstanding sub-sub-subparagraph (I), voluntary
 371 admission to a mental institution for outpatient or inpatient
 372 treatment of a person who had an involuntary examination under
 373 s. 394.463, where each of the following conditions have been
 374 met:

375 (A) An examining physician found that the person is an

376 imminent danger to himself or herself or others.

377 (B) The examining physician certified that if the person
378 did not agree to voluntary treatment, a petition for involuntary
379 outpatient or inpatient treatment would have been filed under s.
380 394.463(2)(g)4., or the examining physician certified that a
381 petition was filed and the person subsequently agreed to
382 voluntary treatment prior to a court hearing on the petition.

383 (C) Before agreeing to voluntary treatment, the person
384 received written notice of that finding and certification, and
385 written notice that as a result of such finding, he or she may
386 be prohibited from purchasing a firearm, and may not be eligible
387 to apply for or retain a concealed weapon or firearms license
388 under s. 790.06 and the person acknowledged such notice in
389 writing, in substantially the following form:

390 "I understand that the doctor who examined me believes I am a
391 danger to myself or to others. I understand that if I do not
392 agree to voluntary treatment, a petition will be filed in court
393 to require me to receive involuntary treatment. I understand
394 that if that petition is filed, I have the right to contest it.
395 In the event a petition has been filed, I understand that I can
396 subsequently agree to voluntary treatment prior to a court
397 hearing. I understand that by agreeing to voluntary treatment in
398 either of these situations, I may be prohibited from buying
399 firearms and from applying for or retaining a concealed weapons
400 or firearms license until I apply for and receive relief from

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401 that restriction under Florida law."

402 (D) A judge or a magistrate has, pursuant to sub-sub-
403 subparagraph c.(II), reviewed the record of the finding,
404 certification, notice, and written acknowledgment classifying
405 the person as an imminent danger to himself or herself or
406 others, and ordered that such record be submitted to the
407 department.

408 c. In order to check for these conditions, the department
409 shall compile and maintain an automated database of persons who
410 are prohibited from purchasing a firearm based on court records
411 of adjudications of mental defectiveness or commitments to
412 mental institutions.

413 (I) Except as provided in sub-sub-subparagraph (II),
414 clerks of court shall submit these records to the department
415 within 1 month after the rendition of the adjudication or
416 commitment. Reports shall be submitted in an automated format.
417 The reports must, at a minimum, include the name, along with any
418 known alias or former name, the sex, and the date of birth of
419 the subject.

420 (II) For persons committed to a mental institution
421 pursuant to sub-sub-subparagraph b.(II), within 24 hours after
422 the person's agreement to voluntary admission, a record of the
423 finding, certification, notice, and written acknowledgment must
424 be filed by the administrator of the receiving or treatment
425 facility, as defined in s. 394.455, with the clerk of the court

426 for the county in which the involuntary examination under s.
427 394.463 occurred. No fee shall be charged for the filing under
428 this sub-sub-subparagraph. The clerk must present the records to
429 a judge or magistrate within 24 hours after receipt of the
430 records. A judge or magistrate is required and has the lawful
431 authority to review the records ex parte and, if the judge or
432 magistrate determines that the record supports the classifying
433 of the person as an imminent danger to himself or herself or
434 others, to order that the record be submitted to the department.
435 If a judge or magistrate orders the submittal of the record to
436 the department, the record must be submitted to the department
437 within 24 hours.

438 d. A person who has been adjudicated mentally defective or
439 committed to a mental institution, as those terms are defined in
440 this paragraph, may petition the court that made the
441 adjudication or commitment, or the court that ordered that the
442 record be submitted to the department pursuant to sub-sub-
443 subparagraph c.(II), for relief from the firearm disabilities
444 imposed by such adjudication or commitment. A copy of the
445 petition shall be served on the state attorney for the county in
446 which the person was adjudicated or committed. The state
447 attorney may object to and present evidence relevant to the
448 relief sought by the petition. The hearing on the petition may
449 be open or closed as the petitioner may choose. The petitioner
450 may present evidence and subpoena witnesses to appear at the

451 hearing on the petition. The petitioner may confront and cross-
452 examine witnesses called by the state attorney. A record of the
453 hearing shall be made by a certified court reporter or by court-
454 approved electronic means. The court shall make written findings
455 of fact and conclusions of law on the issues before it and issue
456 a final order. The court shall grant the relief requested in the
457 petition if the court finds, based on the evidence presented
458 with respect to the petitioner's reputation, the petitioner's
459 mental health record and, if applicable, criminal history
460 record, the circumstances surrounding the firearm disability,
461 and any other evidence in the record, that the petitioner will
462 not be likely to act in a manner that is dangerous to public
463 safety and that granting the relief would not be contrary to the
464 public interest. If the final order denies relief, the
465 petitioner may not petition again for relief from firearm
466 disabilities until 1 year after the date of the final order. The
467 petitioner may seek judicial review of a final order denying
468 relief in the district court of appeal having jurisdiction over
469 the court that issued the order. The review shall be conducted
470 de novo. Relief from a firearm disability granted under this
471 sub-subparagraph has no effect on the loss of civil rights,
472 including firearm rights, for any reason other than the
473 particular adjudication of mental defectiveness or commitment to
474 a mental institution from which relief is granted.

475 e. Upon receipt of proper notice of relief from firearm

476 disabilities granted under sub-subparagraph d., the department
477 shall delete any mental health record of the person granted
478 relief from the automated database of persons who are prohibited
479 from purchasing a firearm based on court records of
480 adjudications of mental defectiveness or commitments to mental
481 institutions.

482 f. The department is authorized to disclose data collected
483 pursuant to this subparagraph to agencies of the Federal
484 Government and other states for use exclusively in determining
485 the lawfulness of a firearm sale or transfer. The department is
486 also authorized to disclose this data to the Department of
487 Agriculture and Consumer Services for purposes of determining
488 eligibility for issuance of a concealed weapons or concealed
489 firearms license and for determining whether a basis exists for
490 revoking or suspending a previously issued license pursuant to
491 s. 790.06(10). When a potential buyer or transferee appeals a
492 nonapproval based on these records, the clerks of court and
493 mental institutions shall, upon request by the department,
494 provide information to help determine whether the potential
495 buyer or transferee is the same person as the subject of the
496 record. Photographs and any other data that could confirm or
497 negate identity must be made available to the department for
498 such purposes, notwithstanding any other provision of state law
499 to the contrary. Any such information that is made confidential
500 or exempt from disclosure by law shall retain such confidential

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501 | or exempt status when transferred to the department.

502 | Section 15. This act shall take effect July 1, 2024.