

Amendment No. 12

17 rescind Baker Act commitments.

18 (c) The use of telemedicine for patient evaluation, case
19 management, and ongoing care, including recommendations by the
20 courts on the use of telemedicine to improve management of
21 patient care and to reduce costs of transportation and public
22 safety.

23 (d) The use of telecommunication for case management and
24 hearings, including recommendations by the courts on the use of
25 telecommunication to improve delivery of judicial services,
26 increase efficiency, and enhance public safety.

27 (e) The 7-day requirement for followup care and its
28 applicability to outpatient providers.

29 (f) Other areas deemed by the workgroup where changes
30 would improve the operational effectiveness of the Baker Act.

31 (2) The workgroup shall consist of the following
32 stakeholders:

33 (a) A representative of the Department of Children and
34 Families, who shall serve as chair, appointed by the Secretary
35 of Children and Families.

36 (b) Two representatives of public Baker Act receiving
37 facilities and two representatives of specialty hospitals,
38 appointed by the Florida Hospital Association.

39 (c) Two representatives of crisis stabilization units,
40 appointed by the Department of Children and Families.

41 (d) A representative of law enforcement agencies,

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42 appointed by the Florida Sheriffs Association.

43 (e) Three members of the judiciary and three general
44 magistrates who regularly evaluate and hear Baker Act cases,
45 appointed by the Chief Justice of the Supreme Court. The judges
46 and general magistrates shall be selected equally from large,
47 medium, and small judicial circuits.

48 (f) Three public defenders selected from large, medium and
49 small circuits, appointed by the Florida Public Defender
50 Association.

51 (g) Three state attorneys selected from large, medium, and
52 small circuits, appointed by the Florida Prosecuting Attorneys
53 Association.

54 (h) A physician who provides care within a Baker Act
55 receiving facility, appointed by the Florida Medical
56 Association.

57 (i) A physician who regularly screens patients who meet
58 Baker Act criteria, appointed by the Florida College of
59 Emergency Physicians.

60 (j) A representative from a managing entity, appointed by
61 the Secretary of Children and Families.

62 (k) A representative of the Agency for Health Care
63 Administration, appointed by the Secretary of Health Care
64 Administration.

65 (l) Two representatives of the Florida Council for
66 Community Mental Health, appointed by the council.

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67 (m) An advanced registered nurse practitioner who works in
68 a Baker Act receiving facility and who treats patients who meet
69 Baker Act criteria, appointed by the Florida Nurses Association.

70 (n) Two advanced registered nurse practitioners who are
71 nationally certified in mental health, one appointed by the
72 Florida Association of Nurse Practitioners, and one appointed by
73 the Florida Nurse Practitioner Network.

74 (o) A psychologist licensed under chapter 490, Florida
75 Statutes, appointed by the Florida Psychological Association.

76 (p) A psychiatrist with experience in the Baker Act,
77 appointed by the Florida Psychiatric Society.

78 (3) The workgroup shall meet in Tallahassee and shall
79 determine the frequency of its meetings. Individual workgroup
80 members are responsible for their travel expenses.

81 (4) Members of the workgroup shall be appointed by June 1,
82 2018, and the first meeting of the workgroup must take place
83 before July 1, 2018. The workgroup shall review a draft of its
84 recommendations before September 1, 2018. By November 1, 2018,
85 the workgroup shall provide a final report to the Secretary of
86 Children and Families, the Secretary of Health Care
87 Administration, the President of the Senate, and the Speaker of
88 the House of Representatives. The report must include the
89 workgroup's findings and recommended statutory and
90 administrative rule changes.

91 Section 23. Paragraph (a) of subsection (1) and subsection

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92 (4) of section 394.4625, Florida Statutes, are amended to read:

93 394.4625 Voluntary admissions.—

94 (1) AUTHORITY TO RECEIVE PATIENTS.—

95 (a) A facility may receive for observation, diagnosis, or
96 treatment any person 18 years of age or older making application
97 to the facility by express and informed consent for admission or
98 any person age 17 or under for whom such application is made by
99 his or her parent or legal guardian. If found to show evidence
100 of mental illness, to be competent to provide express and
101 informed consent, and to be suitable for treatment, such person
102 18 years of age or older may be admitted to the facility.

103 1. Within 24 hours after a person age 17 or under is
104 admitted for observation, diagnosis, or treatment or transferred
105 to voluntary status pursuant to subsection (4), the
106 administrator of the facility shall file with the court in the
107 county where such person is located a petition for voluntary
108 placement. Such petition shall include all forms and information
109 as required by the department, including, but not limited to,
110 the application for voluntary admission or application to
111 transfer to voluntary status; the express and informed consent
112 of the person age 17 or under and his or her parent or legal
113 guardian to admission for treatment; certification that the
114 disclosures required under s. 394.459 to obtain such express and
115 informed consent were communicated to the person and his or her
116 parent or legal guardian; and pertinent demographic information

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117 about the person and his or her parent or legal guardian,
118 including whether a parenting plan in a final judgment of
119 dissolution of marriage or a final judgment of paternity has
120 been entered, whether the parent or legal guardian is authorized
121 to make health care decisions on behalf of the person, and
122 certification that a copy of the final judgment or other
123 document that establishes the authority of the parent or legal
124 guardian has been or will be provided to the court. Upon filing,
125 the clerk of the court shall provide copies to the department,
126 to the person age 17 or under, and to his or her parent or legal
127 guardian. A fee may not be charged for the filing of a petition
128 under this subparagraph.

129 2. Unless a continuance is granted, a court shall hold a
130 hearing within 5 court working days after a person age 17 or
131 under ~~is may be admitted only after a hearing~~ to verify that the
132 ~~voluntariness of the consent to admission is voluntary.~~

133 (4) TRANSFER TO VOLUNTARY STATUS.—An involuntary patient
134 who is 18 years of age or older and who applies to be
135 transferred to voluntary status, or an involuntary patient who
136 is age 17 or under and whose parent or legal guardian has made
137 application on his or her behalf to transfer to voluntary
138 status, shall be transferred to voluntary status immediately,
139 unless the patient has been charged with a crime, or has been
140 involuntarily placed for treatment by a court pursuant to s.
141 394.467 and continues to meet the criteria for involuntary

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142 placement. Within 24 hours after transfer to voluntary status of
143 a person age 17 or under, the administrator of the facility
144 shall file a petition in accordance with subparagraph (1)(a)1. A
145 court shall hold a hearing within 5 court working days after
146 receiving a petition for voluntary placement for a patient age
147 17 or under to verify that the consent to remain in the facility
148 is voluntary. When transfer to voluntary status occurs, notice
149 shall be given as provided in s. 394.4599.

150 Section 24. Paragraph (a) of subsection (2) of section
151 394.499, Florida Statutes, is amended to read:

152 394.499 Integrated children's crisis stabilization
153 unit/juvenile addictions receiving facility services.—

154 (2) Children eligible to receive integrated children's
155 crisis stabilization unit/juvenile addictions receiving facility
156 services include:

157 (a) A person under 18 years of age for whom voluntary
158 application is made by his or her parent or legal guardian, if
159 such person is found to show evidence of mental illness and to
160 be suitable for treatment pursuant to s. 394.4625. The
161 administrator of the facility shall file a petition for
162 voluntary placement, pursuant to s. 394.4625, within 24 hours
163 after a person under 18 years of age is admitted for integrated
164 facility services. Unless a continuance is granted, a court
165 shall hold a hearing within 5 court working days after a person
166 under 18 years of age ~~is may be~~ admitted for integrated facility

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167 | ~~services only after a hearing~~ to verify that the consent to
168 | admission is voluntary.

169 |

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171 | **T I T L E A M E N D M E N T**

172 | Remove line 174 and insert:

173 | the district; requiring the Department of Children and
174 | Families to create a workgroup to provide
175 | recommendations relating to revision of the Baker Act;
176 | requiring the workgroup to make recommendations on
177 | specified topics; providing for membership of the
178 | workgroup; providing for meetings; requiring the
179 | workgroup to meet by a specified date; requiring the
180 | workgroup to review a draft of its recommendations by
181 | a specified date; requiring the workgroup to submit a
182 | final report to specified entities and the Legislature
183 | by a specified date; amending s. 394.4625, F.S.;
184 | requiring the administrator of a receiving facility to
185 | file a petition for voluntary placement within a
186 | specified timeframe after a person under age 18 is
187 | admitted for services or transferred to voluntary
188 | status; requiring the court to hold a hearing within a
189 | specified timeframe to verify consent under certain
190 | circumstances; amending s. 394.499, F.S.; requiring
191 | the administrator of a children's crisis stabilization

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCB APC 18-06 (2018)

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192 | unit or a juvenile addictions receiving facility to
193 | file a petition for voluntary placement within a
194 | specified timeframe after a person under age 18 is
195 | admitted for services; requiring the court to hold a
196 | hearing within a specified timeframe to verify consent
197 | under certain circumstances; providing appropriations
198 | for specified

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