

By Senator Gibson

6-01010B-17

20171580__

1 A bill to be entitled
2 An act relating to admission of children and
3 adolescents to mental health facilities; amending ss.
4 394.4599 and 394.4785, F.S.; requiring a receiving
5 facility or a mental health treatment facility to
6 refer the case of a minor admitted to such facility
7 for a mental health assessment to the clerk of the
8 court for the appointment of a public defender within
9 a specified timeframe; granting the minor's attorney
10 access to relevant records; requiring a hearing
11 involving a child under a specified age to be
12 conducted in the physical presence of the child;
13 providing penalties; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Paragraph (c) of subsection (2) of section
18 394.4599, Florida Statutes, is amended to read:

19 394.4599 Notice.—

20 (2) INVOLUNTARY ADMISSION.—

21 (c) 1.a. A receiving facility shall give notice of the
22 whereabouts of a minor who is being involuntarily held for
23 examination pursuant to s. 394.463 to the minor's parent,
24 guardian, caregiver, or guardian advocate, in person or by
25 telephone or other form of electronic communication, immediately
26 after the minor's arrival at the facility. The facility may
27 delay notification for no more than 24 hours after the minor's
28 arrival if the facility has submitted a report to the central
29 abuse hotline, pursuant to s. 39.201, based upon knowledge or

6-01010B-17

20171580__

30 suspicion of abuse, abandonment, or neglect and if the facility
31 deems a delay in notification to be in the minor's best
32 interest.

33 b. If the minor is under the age of 18, the receiving
34 facility shall refer the case to the clerk of the court for the
35 appointment of a public defender within the first 24 hours after
36 the minor's arrival for potential initiation of a judicial
37 review hearing. An attorney who represents the minor shall have
38 access to all records relevant to the presentation of the
39 minor's case. All hearings involving children under the age of
40 18 shall be conducted in the physical presence of the child and
41 not by electronic or video means. A person who violates this
42 sub-subparagraph commits a misdemeanor of the first degree,
43 punishable as provided in s. 775.082 or s. 775.083.

44 2. The receiving facility shall attempt to notify the
45 minor's parent, guardian, caregiver, or guardian advocate until
46 the receiving facility receives confirmation from the parent,
47 guardian, caregiver, or guardian advocate, verbally, by
48 telephone or other form of electronic communication, or by
49 recorded message, that notification has been received. Attempts
50 to notify the parent, guardian, caregiver, or guardian advocate
51 must be repeated at least once every hour during the first 12
52 hours after the minor's arrival and once every 24 hours
53 thereafter and must continue until such confirmation is
54 received, unless the minor is released at the end of the 72-hour
55 examination period, or until a petition for involuntary services
56 is filed with the court pursuant to s. 394.463(2)(g). The
57 receiving facility may seek assistance from a law enforcement
58 agency to notify the minor's parent, guardian, caregiver, or

6-01010B-17

20171580__

59 guardian advocate if the facility has not received within the
60 first 24 hours after the minor's arrival a confirmation by the
61 parent, guardian, caregiver, or guardian advocate that
62 notification has been received. The receiving facility must
63 document notification attempts in the minor's clinical record.

64 Section 2. Section 394.4785, Florida Statutes, is amended
65 to read:

66 394.4785 Children and adolescents; admission and placement
67 in mental health facilities.—

68 (1) A child or adolescent as defined in s. 394.492 may not
69 be admitted to a state-owned or state-operated mental health
70 treatment facility. A child may be admitted pursuant to s.
71 394.4625 or s. 394.467 to a crisis stabilization unit or a
72 residential treatment center licensed under this chapter or a
73 hospital licensed under chapter 395. The treatment center, unit,
74 or hospital must provide the least restrictive available
75 treatment that is appropriate to the individual needs of the
76 child or adolescent and must adhere to the guiding principles,
77 system of care, and service planning provisions contained in
78 part III of this chapter.

79 (2) A person under the age of 14 who is admitted to any
80 hospital licensed pursuant to chapter 395 may not be admitted to
81 a bed in a room or ward with an adult patient in a mental health
82 unit or share common areas with an adult patient in a mental
83 health unit. However, a person 14 years of age or older may be
84 admitted to a bed in a room or ward in the mental health unit
85 with an adult if the admitting physician documents in the case
86 record that such placement is medically indicated or for reasons
87 of safety. Such placement shall be reviewed by the attending

6-01010B-17

20171580__

88 physician or a designee or on-call physician each day and
89 documented in the case record.

90 (3) Within 24 hours after a person under the age of 18 is
91 admitted to a crisis stabilization unit or a residential
92 treatment center licensed under this chapter or a hospital
93 licensed under chapter 395, the facility administrator must
94 refer the case to the clerk of the court for the appointment of
95 a public defender for potential initiation of a judicial review
96 hearing. An attorney who represents the minor shall have access
97 to all records relevant to the presentation of the minor's case.
98 All hearings involving children under the age of 18 shall be
99 conducted in the physical presence of the child and not by
100 electronic or video means. A person who violates this subsection
101 commits a misdemeanor of the first degree, punishable as
102 provided in s. 775.082 or s. 775.083.

103 Section 3. This act shall take effect July 1, 2017.