

By the Committee on Children, Families, and Elder Affairs; and
Senator Gibson

586-03957-17

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1 A bill to be entitled
2 An act relating to admission of children and
3 adolescents to mental health facilities; amending s.
4 394.463, F.S.; requiring a facility to initiate an
5 involuntary examination of a minor within 12 hours and
6 complete the examination within 24 hours after the
7 patient's arrival; providing an exception; creating a
8 task force within the Department of Children and
9 Families; requiring the task force to analyze certain
10 data and make recommendations in a report to the
11 Governor and the Legislature by a specified date;
12 specifying task force membership; specifying operation
13 of the task force; providing for expiration of the
14 task force; providing an effective date.

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

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18 Section 1. Paragraphs (g) and (h) of subsection (2) of
19 section 394.463, Florida Statutes, are amended to read:

20 394.463 Involuntary examination.—

21 (2) INVOLUNTARY EXAMINATION.—

22 (g) The examination period may last for up to 72 hours for
23 an adult. For a minor, the examination must be initiated within
24 12 hours after the patient's arrival at the facility and
25 completed within 24 hours unless the attending physician,
26 clinical psychologist, or psychiatric nurse performing within
27 the framework of an established protocol with a psychiatrist
28 determines that additional time is required to stabilize and
29 assess the minor. Within the 72-hour examination period or, if

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30 the examination period ~~72 hours~~ ends on a weekend or holiday, no
31 later than the next working day thereafter, one of the following
32 actions must be taken, based on the individual needs of the
33 patient:

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

37 2. The patient shall be released, subject to ~~the provisions~~
38 ~~of~~ subparagraph 1., for voluntary outpatient treatment;

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

43 4. A petition for involuntary services shall be filed in
44 the circuit court if inpatient treatment is deemed necessary or
45 with the criminal county court, as defined in s. 394.4655(1), as
46 applicable. When inpatient treatment is deemed necessary, the
47 least restrictive treatment consistent with the optimum
48 improvement of the patient's condition shall be made available.
49 When a petition is to be filed for involuntary outpatient
50 placement, it shall be filed by one of the petitioners specified
51 in s. 394.4655(4) (a). A petition for involuntary inpatient
52 placement shall be filed by the facility administrator.

53 (h) A person for whom an involuntary examination has been
54 initiated who is being evaluated or treated at a hospital for an
55 emergency medical condition specified in s. 395.002 must be
56 examined by a facility within the examination period specified
57 in paragraph (g) ~~72 hours~~. The examination ~~72-hour~~ period begins
58 when the patient arrives at the hospital and ceases when the

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59 attending physician documents that the patient has an emergency
60 medical condition. If the patient is examined at a hospital
61 providing emergency medical services by a professional qualified
62 to perform an involuntary examination and is found as a result
63 of that examination not to meet the criteria for involuntary
64 outpatient services pursuant to s. 394.4655(2) or involuntary
65 inpatient placement pursuant to s. 394.467(1), the patient may
66 be offered voluntary services or placement, if appropriate, or
67 released directly from the hospital providing emergency medical
68 services. The finding by the professional that the patient has
69 been examined and does not meet the criteria for involuntary
70 inpatient services or involuntary outpatient placement must be
71 entered into the patient's clinical record. This paragraph is
72 not intended to prevent a hospital providing emergency medical
73 services from appropriately transferring a patient to another
74 hospital before stabilization if the requirements of s.
75 395.1041(3)(c) have been met.

76 Section 2. (1) There is created a task force within the
77 Department of Children and Families to address the issue of
78 involuntary examinations under s. 394.463, Florida Statutes, of
79 children age 17 and younger. The task force shall, at a minimum,
80 analyze data on the initiation of involuntary examinations of
81 children, research the root causes of trends in such involuntary
82 examinations, and identify recommendations for encouraging
83 alternatives to these examinations. The task force shall submit
84 a report on its findings to the Governor, the President of the
85 Senate, and the Speaker of the House of Representatives on or
86 before December 1, 2017.

87 (2) The task force shall consist of the following members:

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88 (a) The Secretary of the Department of Children and
89 Families, or his or her designee, who shall chair the task
90 force.

91 (b) The Commissioner of the Department of Education, or his
92 or her designee.

93 (c) A representative of the Florida Public Defender
94 Association.

95 (d) A representative of the Florida Association of District
96 School Superintendents.

97 (e) A representative of the Florida Sheriffs Association.

98 (f) A representative of the Florida Police Chiefs
99 Association.

100 (g) A representative of the Florida Council for Community
101 Mental Health.

102 (h) A representative of the Florida Alcohol and Drug Abuse
103 Association.

104 (i) A representative of the Behavioral Health Care Council
105 of the Florida Hospital Association.

106 (j) A representative of the Florida Psychiatric Society.

107 (k) A representative of the National Alliance on Mental
108 Illness.

109 (l) One individual who is a family member of a minor who
110 has been subject to an involuntary examination.

111 (m) Other members as deemed appropriate by the Secretary of
112 the Department of Children and Families.

113 (3) The department shall use existing and available
114 resources to administer and support the activities of the task
115 force. Members of the task force shall serve without
116 compensation and are not entitled to reimbursement for per diem

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117 or travel expense. The task force may conduct its meetings via
118 teleconference.

119 (4) This section expires March 31, 2018.

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