

Committee on Children, Families, and Elder Affairs

CS/CS/SB 1418 — Mental Health

by Children, Families, and Elder Affairs Committee; Rules Committee; and Senator Powell

The bill implements two recommendations of a Department of Children and Families (DCF) task force on Baker Act cases involving minors. The Florida Mental Health Act, also known as the Baker Act, allows for voluntary and, under certain circumstances, involuntary, examinations of individuals suspected of having a mental illness and presenting a threat of harm to themselves or others, and establishes procedures for courts, law enforcement, and certain health care practitioners to initiate such examinations and then act in response to the findings. The task force found that Florida has seen an increasing trend statewide and in certain counties to initiate involuntary examinations of minors in recent years.

The first recommendation contained in the bill encourages school districts to adopt a standardized suicide assessment tool that school-based mental health professionals would implement prior to initiation of an involuntary examination. The second recommendation increases the number of days, from the next working day to five working days that the receiving facility has to submit forms to DCF. This will allow DCF to capture data on whether the minor was admitted, released, or a petition filed with the court. The bill also increases data gathered on involuntary examinations and requires DCF to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, every two years on its findings and recommendations related to involuntary examinations initiated on minors.

The bill also requires that when a patient communicates a specific threat against an identifiable individual to a mental health service provider, the provider must notify law enforcement of the potential threat. The bill further requires that law enforcement notify the target of the threat presented. The bill provides immunity from civil and criminal liability to service providers acting in good faith when releasing such information.

If approved by the Governor, these provisions take effect July 1, 2019.

Vote: Senate 38-0; House 113-0