

By the Committee on Civil Justice & Claims and
 Representative Rodriguez-Chomat

1 A bill to be entitled
 2 An act relating to mental health; creating the
 3 "Robert Newman and Stuart Simon Act of 1997";
 4 amending s. 394.463, F.S.; providing for court
 5 hearings on requests for ex parte orders for
 6 involuntary examination of mentally ill
 7 persons; providing for findings; providing for
 8 rescission of orders under certain
 9 circumstances; providing for release of persons
 10 being held for examination; prohibiting certain
 11 administration of drugs without a court order;
 12 providing an exception; providing penalties;
 13 amending s. 394.4599, F.S.; requiring certain
 14 notice to the parent or guardian when a minor
 15 is involuntarily held; providing an effective
 16 date.
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 18 Be It Enacted by the Legislature of the State of Florida:
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 20 Section 1. This act may be cited as the "Robert Newman
 21 and Stuart Simon Act of 1997."
 22 Section 2. Present paragraph (f) of subsection (2) of
 23 section 394.463, Florida Statutes, 1996 Supplement, is
 24 amended, present paragraphs (b) through (i) are redesignated
 25 as paragraphs (c) through (j), respectively, a new paragraph
 26 (b) is added to said subsection, and subsection (4) is added
 27 to said section, to read:
 28 394.463 Involuntary examination.--
 29 (2) INVOLUNTARY EXAMINATION.--
 30 (b) The court, at its discretion, may order a hearing
 31 on a request for an ex parte order for involuntary examination

1 of a mentally ill person before entering such order, or at any
2 time thereafter while the person is being held for examination
3 at a receiving facility or its contractor. A hearing
4 authorized under this paragraph shall be held on an expedited
5 basis. If, at the hearing, the court finds that the person
6 does not appear to meet the criteria for involuntary
7 examination as provided in this section, the court shall
8 rescind the ex parte order, if any has been entered, and
9 notify the receiving facility or its contractor to release the
10 person being held.

11 (g)(f) A patient shall be examined by a physician or
12 clinical psychologist at a receiving facility without
13 unnecessary delay and may, during the involuntary examination,
14 upon the order of a physician, be given emergency treatment if
15 it is determined that such treatment is necessary for the
16 safety of the patient or others. However, no patient may be
17 administered a psychotropic drug immediately prior to or
18 during the involuntary examination without a court order,
19 unless the actions of the patient endanger the health or
20 safety of the patient or others. The patient shall not be
21 released by the receiving facility or its contractor without
22 the documented approval of a psychiatrist or clinical
23 psychologist, except pursuant to notice of rescission of an ex
24 parte order as provided in paragraph (b). However, a patient
25 may not be held in a receiving facility for involuntary
26 examination longer than 72 hours.

27 (4) UNLAWFUL ACTIVITIES RELATING TO OBTAINING ORDER
28 FOR INVOLUNTARY EXAMINATION OR TREATMENT; PENALTIES.--

29 (a) A person who knowingly furnishes false information
30 for the purpose of obtaining emergency or other involuntary
31 examination or treatment for any person commits a misdemeanor

1 of the first degree, punishable as provided in s. 775.082 and
2 by a fine not to exceed \$5,000.

3 (b) A person who causes or otherwise secures, or
4 conspires with or assists another to cause or secure, without
5 reason for believing a person to be mentally ill, any
6 emergency or other involuntary procedure for the person
7 commits a misdemeanor of the first degree, punishable as
8 provided in s. 775.082 and by a fine not to exceed \$5,000.

9 (c) A person who causes, or conspires with or assists
10 another to cause, the denial to any person of any right
11 accorded pursuant to this chapter commits a misdemeanor of the
12 first degree, punishable as provided in s. 775.082 and by a
13 fine not to exceed \$5,000.

14 Section 3. Paragraph (b) of subsection (2) of section
15 394.4599, Florida Statutes, 1996 Supplement, is amended to
16 read:

17 394.4599 Notice.--

18 (2) INVOLUNTARY PATIENTS.--

19 (b) A receiving facility shall give prompt notice of
20 the whereabouts of a patient who is being involuntarily held
21 for examination, by telephone or in person within 24 hours
22 after the patient's arrival at the facility, unless the
23 patient requests that no notification be made. Contact
24 attempts shall be documented in the patient's clinical record
25 and shall begin as soon as reasonably possible after the
26 patient's arrival. Notice that a patient is being admitted as
27 an involuntary patient shall be given to the local human
28 rights advocacy committee no later than the next working day
29 after the patient is admitted. With respect to a minor, the
30 receiving or psychiatric facility must attempt to provide
31 immediate notice of the whereabouts of the patient to the

1 parent or guardian. If the parent or guardian cannot be
2 immediately located, attempts to notify must be repeated at
3 least every 6 hours until notification is effected.

4 Section 4. This act shall take effect October 1, 1997.
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