

By the Committees on Health, Aging, and Long-Term Care;
Judiciary; and Senator Lynn

317-2260-03

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A bill to be entitled
An act relating to involuntary commitment under
the Baker Act; amending s. 394.463, F.S.;
providing that a patient admitted for
involuntary examination to a hospital may not
be released without the approval of the
emergency department physician and completion
of an involuntary examination; providing an
effective date.

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

Section 1. Paragraph (f) of subsection (2) of section
394.463, Florida Statutes, is amended to read:

394.463 Involuntary examination.--

(2) INVOLUNTARY EXAMINATION.--

(f) A patient shall be examined by a physician or
clinical psychologist at a receiving facility without
unnecessary delay and may, upon the order of a physician, be
given emergency treatment if it is determined that such
treatment is necessary for the safety of the patient or
others. The patient may ~~shall~~ not be released by the
receiving facility or its contractor without the documented
approval of a psychiatrist, a ~~or~~ clinical psychologist, or, if
the receiving facility is a hospital, an attending emergency
department physician with experience in the diagnosis and
treatment of mental and nervous disorders and after completion
of an involuntary examination pursuant to s. 394.463(2).

However, a patient may not be held in a receiving facility for
involuntary examination longer than 72 hours.

1 Section 2. This act shall take effect upon becoming a
2 law.

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4 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
5 COMMITTEE SUBSTITUTE FOR
6 CS for SB 340

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7 The Committee Substitute requires an emergency department
8 physician at a hospital that is a receiving facility under the
9 Baker Act to complete an involuntary examination, rather than
10 a mental health screening, before releasing a patient from the
11 receiving facility.

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