

By Senator Siplin

19-01402A-12

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1                   A bill to be entitled  
2           An act relating to advanced registered nurse  
3           practitioners; amending s. 394.463, F.S.; authorizing  
4           advanced registered nurse practitioners to initiate  
5           involuntary examinations under the Baker Act of  
6           persons believed to have mental illness; providing an  
7           effective date.

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

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11           Section 1. Paragraph (a) of subsection (2) of section  
12   394.463, Florida Statutes, is amended to read:

13           394.463 Involuntary examination.—

14           (2) INVOLUNTARY EXAMINATION.—

15           (a) An involuntary examination may be initiated by any one  
16   of the following means:

17           1. A court may enter an ex parte order stating that a  
18   person appears to meet the criteria for involuntary examination,  
19   giving the findings on which that conclusion is based. The ex  
20   parte order for involuntary examination must be based on sworn  
21   testimony, written or oral. If other less restrictive means are  
22   not available, such as voluntary appearance for outpatient  
23   evaluation, a law enforcement officer, or other designated agent  
24   of the court, shall take the person into custody and deliver him  
25   or her to the nearest receiving facility for involuntary  
26   examination. The order of the court shall be made a part of the  
27   patient's clinical record. No fee shall be charged for the  
28   filing of an order under this subsection. Any receiving facility  
29   accepting the patient based on this order must send a copy of

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30 the order to the Agency for Health Care Administration on the  
31 next working day. The order shall be valid only until executed  
32 or, if not executed, for the period specified in the order  
33 itself. If no time limit is specified in the order, the order  
34 shall be valid for 7 days after the date that the order was  
35 signed.

36 2. A law enforcement officer shall take a person who  
37 appears to meet the criteria for involuntary examination into  
38 custody and deliver the person or have him or her delivered to  
39 the nearest receiving facility for examination. The officer  
40 shall execute a written report detailing the circumstances under  
41 which the person was taken into custody, and the report shall be  
42 made a part of the patient's clinical record. Any receiving  
43 facility accepting the patient based on this report must send a  
44 copy of the report to the Agency for Health Care Administration  
45 on the next working day.

46 3. A physician, clinical psychologist, psychiatric nurse,  
47 mental health counselor, marriage and family therapist, ~~or~~  
48 clinical social worker, or advanced registered nurse  
49 practitioner may execute a certificate stating that he or she  
50 has examined a person within the preceding 48 hours and finds  
51 that the person appears to meet the criteria for involuntary  
52 examination and stating the observations upon which that  
53 conclusion is based. If other less restrictive means are not  
54 available, such as voluntary appearance for outpatient  
55 evaluation, a law enforcement officer shall take the person  
56 named in the certificate into custody and deliver him or her to  
57 the nearest receiving facility for involuntary examination. The  
58 law enforcement officer shall execute a written report detailing

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59 the circumstances under which the person was taken into custody.  
60 The report and certificate shall be made a part of the patient's  
61 clinical record. Any receiving facility accepting the patient  
62 based on this certificate must send a copy of the certificate to  
63 the Agency for Health Care Administration on the next working  
64 day.

65 Section 2. This act shall take effect July 1, 2012.