

By Senator Flores

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1                   A bill to be entitled  
2           An act relating to involuntary examinations under the  
3           Baker Act; amending s. 394.463, F.S.; authorizing  
4           physician assistants and advanced registered nurse  
5           practitioners to initiate involuntary examinations  
6           under the Baker Act of persons believed to have mental  
7           illness; providing an effective date.  
8

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, physician assistant, clinical psychologist,  
47 psychiatric nurse, mental health counselor, marriage and family  
48 therapist, ~~or~~ clinical social worker, or advanced registered  
49 nurse practitioner may execute a certificate stating that he or  
50 she has examined a person within the preceding 48 hours and  
51 finds that the person appears to meet the criteria for  
52 involuntary examination and stating the observations upon which  
53 that conclusion is based. If other less restrictive means are  
54 not 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, 2013.