

HB9

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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:

10  
 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

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29 | accepting the patient based on this order must send a copy of  
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  
47 | psychologist, psychiatric nurse, mental health counselor,  
48 | marriage and family therapist, ~~or~~ clinical social worker, or  
49 | advanced registered nurse practitioner may execute a certificate  
50 | stating that he or she has examined a person within the  
51 | preceding 48 hours and finds that the person appears to meet the  
52 | criteria for involuntary examination and stating the  
53 | observations upon which that conclusion is based. If other less  
54 | restrictive means are not available, such as voluntary  
55 | appearance for outpatient evaluation, a law enforcement officer  
56 | shall take the person named in the certificate into custody and

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57 | deliver him or her to the nearest receiving facility for  
58 | involuntary examination. The law enforcement officer shall  
59 | execute a written report detailing the circumstances under which  
60 | the person was taken into custody. The report and certificate  
61 | shall be made a part of the patient's clinical record. Any  
62 | receiving facility accepting the patient based on this  
63 | certificate must send a copy of the certificate to the Agency  
64 | for Health Care Administration on the next working day.

65 |       Section 2. This act shall take effect July 1, 2013.