

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Health & Human Services  
 2 Committee

3 Representative Silvers offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraphs (g) and (h) of subsection (2) of  
 8 section 394.463, Florida Statutes, are amended to read:

9 394.463 Involuntary examination.—

10 (2) INVOLUNTARY EXAMINATION.—

11 (g) The examination period shall be up to 72 hours. For a  
 12 minor, the examination shall be initiated within 12 hours after  
 13 the patient's arrival at the facility. Within the ~~72-hour~~  
 14 examination period or, if the examination period ~~72 hours~~ ends  
 15 on a weekend or holiday, no later than the next working day

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16 thereafter, one of the following actions must be taken, based on  
17 the individual needs of the patient:

18 1. The patient shall be released, unless he or she is  
19 charged with a crime, in which case the patient shall be  
20 returned to the custody of a law enforcement officer;

21 2. The patient shall be released, subject to the  
22 provisions of subparagraph 1., for voluntary outpatient  
23 treatment;

24 3. The patient, unless he or she is charged with a crime,  
25 shall be asked to give express and informed consent to placement  
26 as a voluntary patient and, if such consent is given, the  
27 patient shall be admitted as a voluntary patient; or

28 4. A petition for involuntary services shall be filed in  
29 the circuit court if inpatient treatment is deemed necessary or  
30 with the criminal county court, as defined in s. 394.4655(1), as  
31 applicable. When inpatient treatment is deemed necessary, the  
32 least restrictive treatment consistent with the optimum  
33 improvement of the patient's condition shall be made available.  
34 When a petition is to be filed for involuntary outpatient  
35 placement, it shall be filed by one of the petitioners specified  
36 in s. 394.4655(4) (a). A petition for involuntary inpatient  
37 placement shall be filed by the facility administrator.

38 (h) A person for whom an involuntary examination has been  
39 initiated who is being evaluated or treated at a hospital for an  
40 emergency medical condition specified in s. 395.002 must be

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41 examined by a facility within the examination period specified  
42 in paragraph (g) 72 hours. The examination 72-hour period begins  
43 when the patient arrives at the hospital and ceases when the  
44 attending physician documents that the patient has an emergency  
45 medical condition. If the patient is examined at a hospital  
46 providing emergency medical services by a professional qualified  
47 to perform an involuntary examination and is found as a result  
48 of that examination not to meet the criteria for involuntary  
49 outpatient services pursuant to s. 394.4655(2) or involuntary  
50 inpatient placement pursuant to s. 394.467(1), the patient may  
51 be offered voluntary services or placement, if appropriate, or  
52 released directly from the hospital providing emergency medical  
53 services. The finding by the professional that the patient has  
54 been examined and does not meet the criteria for involuntary  
55 inpatient services or involuntary outpatient placement must be  
56 entered into the patient's clinical record. This paragraph is  
57 not intended to prevent a hospital providing emergency medical  
58 services from appropriately transferring a patient to another  
59 hospital before stabilization if the requirements of s.  
60 395.1041(3)(c) have been met.

61 Section 2. (1) There is created a task force within the  
62 Department of Children and Families to address the issue of  
63 involuntary examinations under s. 394.463 of children age 17 and  
64 younger. The task force shall, at a minimum, analyze data on the  
65 initiation of involuntary examinations of children, research the

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66 root causes of any trends in such involuntary examinations,  
67 identify and evaluate options for expediting examinations for  
68 children, and identify recommendations for encouraging  
69 alternatives to and eliminating inappropriate initiations of  
70 such examinations. The task force shall submit a report on its  
71 findings to the Governor, the President of the Senate, and the  
72 Speaker of the House of Representatives on or before December 1,  
73 2017.

74 (2) The task force shall consist of the following members:

75 (a) The Secretary of the Department of Children and  
76 Families, or his or designee, who shall chair the task force.

77 (b) The Commissioner of the Department of Education, or  
78 his or her designee.

79 (c) A representative of the Florida Public Defender  
80 Association.

81 (d) A representative of the Florida Association of District  
82 Superintendents.

83 (e) A representative of the Florida Sheriffs Association.

84 (f) A representative of the Florida Police Chiefs  
85 Association.

86 (g) A representative of the Florida Council of Community  
87 Mental Health.

88 (h) A representative of the Florida Alcohol and Drug Abuse  
89 Association.

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90 (i) A representative of the Behavioral Health Care Council  
91 of the Florida Hospital Association.

92 (j) A representative of the Florida Psychiatric Society.

93 (k) A representative of the National Alliance on Mental  
94 Illness.

95 (l) One individual who is a family member of a minor who  
96 has been subject to an involuntary examination.

97 (m) Other members as deemed appropriate by the Secretary  
98 of the Department of Children and Families.

99 (2) The department shall use existing and available  
100 resources to administer and support the activities of the task  
101 force. Members of the task force shall serve without  
102 compensation and are not entitled to reimbursement for per diem  
103 or travel expense. The task force may conduct its meetings via  
104 teleconference.

105 (3) This section expires March 31, 2018.

107 -----  
108 **T I T L E A M E N D M E N T**

109 Remove lines 5-9 and insert:

110 involuntary examination of a minor within 12 hours;  
111 creating a task force within the Department of Children and  
112 Families; requiring the task force to analyze certain data  
113 and make recommendations in a report to the Governor and  
114 the Legislature by a specified date; specifying task force

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115 membership; specifying operation of the task force;  
116 providing for expiration of the task force; providing an  
117 effective date.