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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/17/2017	.	
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The Committee on Children, Families, and Elder Affairs (Gibson) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

394.463 Involuntary examination.—

(2) INVOLUNTARY EXAMINATION.—

(g) The examination period may last for up to 72 hours for



960350

10 an adult. For a minor, the examination must be initiated within  
11 12 hours after the patient's arrival at the facility and  
12 completed within 24 hours unless the attending physician,  
13 clinical psychologist, or psychiatric nurse performing within  
14 the framework of an established protocol with a psychiatrist  
15 determines that additional time is required to stabilize and  
16 assess the minor. Within the ~~72-hour~~ examination period or, if  
17 the examination period ~~72 hours~~ ends on a weekend or holiday, no  
18 later than the next working day thereafter, one of the following  
19 actions must be taken, based on the individual needs of the  
20 patient:

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

24       2. The patient shall be released, subject to ~~the provisions~~  
25 ~~of~~ subparagraph 1., for voluntary outpatient treatment;

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

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



960350

39 placement shall be filed by the facility administrator.

40 (h) A person for whom an involuntary examination has been  
41 initiated who is being evaluated or treated at a hospital for an  
42 emergency medical condition specified in s. 395.002 must be  
43 examined by a facility within the examination period specified  
44 in paragraph (g) ~~72 hours~~. The examination ~~72-hour~~ period begins  
45 when the patient arrives at the hospital and ceases when the  
46 attending physician documents that the patient has an emergency  
47 medical condition. If the patient is examined at a hospital  
48 providing emergency medical services by a professional qualified  
49 to perform an involuntary examination and is found as a result  
50 of that examination not to meet the criteria for involuntary  
51 outpatient services pursuant to s. 394.4655(2) or involuntary  
52 inpatient placement pursuant to s. 394.467(1), the patient may  
53 be offered voluntary services or placement, if appropriate, or  
54 released directly from the hospital providing emergency medical  
55 services. The finding by the professional that the patient has  
56 been examined and does not meet the criteria for involuntary  
57 inpatient services or involuntary outpatient placement must be  
58 entered into the patient's clinical record. This paragraph is  
59 not intended to prevent a hospital providing emergency medical  
60 services from appropriately transferring a patient to another  
61 hospital before stabilization if the requirements of s.  
62 395.1041(3)(c) have been met.

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



960350

68 children, research the root causes of trends in such involuntary  
69 examinations, and identify recommendations for encouraging  
70 alternatives to these examinations. The task force shall submit  
71 a report on its findings to the Governor, the President of the  
72 Senate, and the Speaker of the House of Representatives on or  
73 before December 1, 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 her designee, who shall chair the task  
77 force.

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

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

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

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

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

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

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

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

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

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

96 (l) One individual who is a family member of a minor who



960350

97 has been subject to an involuntary examination.

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

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

106 (4) This section expires March 31, 2018.

107 Section 3. This act shall take effect July 1, 2017.

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109 ===== T I T L E A M E N D M E N T =====

110 And the title is amended as follows:

111 Delete everything before the enacting clause  
112 and insert:

113 A bill to be entitled  
114 An act relating to admission of children and  
115 adolescents to mental health facilities; amending s.  
116 394.463, F.S.; requiring a facility to initiate an  
117 involuntary examination of a minor within 12 hours and  
118 complete the examination within 24 hours after the  
119 patient's arrival; providing an exception; creating a  
120 task force within the Department of Children and  
121 Families; requiring the task force to analyze certain  
122 data and make recommendations in a report to the  
123 Governor and the Legislature by a specified date;  
124 specifying task force membership; specifying operation  
125 of the task force; providing for expiration of the



960350

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task force; providing an effective date.