

1 A bill to be entitled
2 An act relating to restraint of juveniles; amending s.
3 394.463, F.S.; requiring officers transporting a minor
4 for purposes of involuntary examination to use the
5 least restrictive manner of restraint necessary under
6 the circumstances; providing an effective date.

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

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

12 394.463 Involuntary examination.—

13 (2) INVOLUNTARY EXAMINATION.—

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

16 1. A circuit or county court may enter an ex parte order
17 stating that a person appears to meet the criteria for
18 involuntary examination and specifying the findings on which
19 that conclusion is based. The ex parte order for involuntary
20 examination must be based on written or oral sworn testimony
21 that includes specific facts that support the findings. If other
22 less restrictive means are not available, such as voluntary
23 appearance for outpatient evaluation, a law enforcement officer,
24 or other designated agent of the court, shall take the person
25 into custody and deliver him or her to an appropriate, or the

26 | nearest, facility within the designated receiving system
27 | pursuant to s. 394.462 for involuntary examination. The order of
28 | the court shall be made a part of the patient's clinical record.
29 | A fee may not be charged for the filing of an order under this
30 | subsection. A facility accepting the patient based on this order
31 | must send a copy of the order to the department within 5 working
32 | days. The order may be submitted electronically through existing
33 | data systems, if available. The order shall be valid only until
34 | the person is delivered to the facility or for the period
35 | specified in the order itself, whichever comes first. If no time
36 | limit is specified in the order, the order shall be valid for 7
37 | days after the date that the order was signed.

38 | 2. A law enforcement officer shall take a person who
39 | appears to meet the criteria for involuntary examination into
40 | custody and deliver the person or have him or her delivered to
41 | an appropriate, or the nearest, facility within the designated
42 | receiving system pursuant to s. 394.462 for examination. An
43 | officer transporting a minor under this subparagraph shall
44 | restrain the minor in the least restrictive manner necessary
45 | under the circumstances. The officer shall execute a written
46 | report detailing the circumstances under which the person was
47 | taken into custody, which must be made a part of the patient's
48 | clinical record. Any facility accepting the patient based on
49 | this report must send a copy of the report to the department
50 | within 5 working days.

51 3. A physician, clinical psychologist, psychiatric nurse,
52 mental health counselor, marriage and family therapist, or
53 clinical social worker may execute a certificate stating that he
54 or she has examined a person within the preceding 48 hours and
55 finds that the person appears to meet the criteria for
56 involuntary examination and stating the observations upon which
57 that conclusion is based. If other less restrictive means, such
58 as voluntary appearance for outpatient evaluation, are not
59 available, a law enforcement officer shall take into custody the
60 person named in the certificate and deliver him or her to the
61 appropriate, or nearest, facility within the designated
62 receiving system pursuant to s. 394.462 for involuntary
63 examination. The law enforcement officer shall execute a written
64 report detailing the circumstances under which the person was
65 taken into custody. The report and certificate shall be made a
66 part of the patient's clinical record. Any facility accepting
67 the patient based on this certificate must send a copy of the
68 certificate to the department within 5 working days. The
69 document may be submitted electronically through existing data
70 systems, if applicable.

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72 When sending the order, report, or certificate to the
73 department, a facility shall, at a minimum, provide information
74 about which action was taken regarding the patient under
75 paragraph (g), which information shall also be made a part of

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76 | the patient's clinical record.

77 | Section 2. This act shall take effect July 1, 2020.