



302042

LEGISLATIVE ACTION

Senate

.

House

.

.

Floor: 1/AD/2R

.

03/01/2022 10:20 AM

.

.

Senator Bean moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (a) of subsection (1) and subsection
(4) of section 394.4625, Florida Statutes, are amended to read:
394.4625 Voluntary admissions.—

(1) AUTHORITY TO RECEIVE PATIENTS.—

(a) A facility may receive for observation, diagnosis, or
treatment any person 18 years of age or older who applies ~~making~~
~~application~~ by express and informed consent for admission or any



302042

12 person age 17 or younger whose parent or legal guardian applies
13 under for admission ~~whom such application is made by his or her~~
14 ~~guardian~~. If found to show evidence of mental illness, to be
15 competent to provide express and informed consent, and to be
16 suitable for treatment, such person 18 years of age or older may
17 be admitted to the facility. A person age 17 or younger ~~under~~
18 may be admitted only after a clinical review ~~hearing~~ to verify
19 the voluntariness of the minor's assent ~~consent~~.

20 (4) TRANSFER TO VOLUNTARY STATUS.—An involuntary patient
21 who applies to be transferred to voluntary status shall be
22 transferred to voluntary status immediately, unless the patient
23 has been charged with a crime, or has been involuntarily placed
24 for treatment by a court pursuant to s. 394.467 and continues to
25 meet the criteria for involuntary placement. When transfer to
26 voluntary status occurs, notice shall be given as provided in s.
27 394.4599, and if the patient is a minor, the minor's assent to
28 voluntary care must be verified as provided in paragraph (1) (a).

29 Section 2. Paragraph (a) of subsection (2) of section
30 394.463, Florida Statutes, is amended to read:

31 394.463 Involuntary examination.—

32 (2) INVOLUNTARY EXAMINATION.—

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

35 1. A circuit or county court may enter an ex parte order
36 stating that a person appears to meet the criteria for
37 involuntary examination and specifying the findings on which
38 that conclusion is based. The ex parte order for involuntary
39 examination must be based on written or oral sworn testimony
40 that includes specific facts that support the findings. If other



302042

41 less restrictive means are not available, such as voluntary
42 appearance for outpatient evaluation, a law enforcement officer,
43 or other designated agent of the court, shall take the person
44 into custody and deliver him or her to an appropriate, or the
45 nearest, facility within the designated receiving system
46 pursuant to s. 394.462 for involuntary examination. The order of
47 the court shall be made a part of the patient's clinical record.
48 A fee may not be charged for the filing of an order under this
49 subsection. A facility accepting the patient based on this order
50 must send a copy of the order to the department within 5 working
51 days. The order may be submitted electronically through existing
52 data systems, if available. The order shall be valid only until
53 the person is delivered to the facility or for the period
54 specified in the order itself, whichever comes first. If a time
55 limit is not specified in the order, the order is valid for 7
56 days after the date that the order was signed.

57 2. A law enforcement officer shall take a person who
58 appears to meet the criteria for involuntary examination into
59 custody and deliver the person or have him or her delivered to
60 an appropriate, or the nearest, facility within the designated
61 receiving system pursuant to s. 394.462 for examination. A law
62 enforcement officer transporting a person pursuant to this
63 subparagraph shall restrain the person in the least restrictive
64 manner available and appropriate under the circumstances. The
65 officer shall execute a written report detailing the
66 circumstances under which the person was taken into custody,
67 which must be made a part of the patient's clinical record. Any
68 facility accepting the patient based on this report must send a
69 copy of the report to the department within 5 working days.



302042

70 3. A physician, a physician assistant, a clinical
71 psychologist, a psychiatric nurse, an advanced practice
72 registered nurse registered under s. 464.0123, a mental health
73 counselor, a marriage and family therapist, or a clinical social
74 worker may execute a certificate stating that he or she has
75 examined a person within the preceding 48 hours and finds that
76 the person appears to meet the criteria for involuntary
77 examination and stating the observations upon which that
78 conclusion is based. If other less restrictive means, such as
79 voluntary appearance for outpatient evaluation, are not
80 available, a law enforcement officer shall take into custody the
81 person named in the certificate and deliver him or her to the
82 appropriate, or nearest, facility within the designated
83 receiving system pursuant to s. 394.462 for involuntary
84 examination. The law enforcement officer shall execute a written
85 report detailing the circumstances under which the person was
86 taken into custody. The report and certificate shall be made a
87 part of the patient's clinical record. Any facility accepting
88 the patient based on this certificate must send a copy of the
89 certificate to the department within 5 working days. The
90 document may be submitted electronically through existing data
91 systems, if applicable.

92
93 When sending the order, report, or certificate to the
94 department, a facility shall, at a minimum, provide information
95 about which action was taken regarding the patient under
96 paragraph (g), which information shall also be made a part of
97 the patient's clinical record.

98 Section 3. Section 397.341, Florida Statutes, is created to



302042

99 read:

100 397.341 Transportation of individuals by law enforcement
101 officers.—A law enforcement officer transporting an individual
102 pursuant to this chapter shall restrain that individual in the
103 least restrictive manner available and appropriate under the
104 circumstances.

105 Section 4. This act shall take effect July 1, 2022.

106
107 ===== T I T L E A M E N D M E N T =====

108 And the title is amended as follows:

109 Delete everything before the enacting clause
110 and insert:

111 A bill to be entitled

112 An act relating to mental health and substance abuse;
113 amending s. 394.4625, F.S.; revising provisions
114 relating to the voluntary admission of minors to a
115 facility for examination and treatment; requiring that
116 a minor's assent to voluntary care be verified through
117 a clinical review; amending s. 394.463, F.S.;
118 requiring law enforcement officers transporting
119 individuals for involuntary treatment to take certain
120 actions; creating s. 397.341, F.S.; requiring law
121 enforcement officers transporting individuals for
122 certain treatment to take certain actions; providing
123 an effective date.