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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/01/2022	.	
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The Committee on Children, Families, and Elder Affairs (Bean) recommended the following:

1 **Senate Substitute for Amendment (678898) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Paragraph (a) of subsection (1) of section
7 394.4625, Florida Statutes, is amended to read:

8 394.4625 Voluntary admissions.—

9 (1) AUTHORITY TO RECEIVE PATIENTS.—

10 (a) A facility may receive for observation, diagnosis, or



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

21 Section 2. Paragraph (a) of subsection (2) of section
22 394.463, Florida Statutes, is amended to read:

23 394.463 Involuntary examination.—

24 (2) INVOLUNTARY EXAMINATION.—

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

27 1. A circuit or county court may enter an ex parte order
28 stating that a person appears to meet the criteria for
29 involuntary examination and specifying the findings on which
30 that conclusion is based. The ex parte order for involuntary
31 examination must be based on written or oral sworn testimony
32 that includes specific facts that support the findings. If other
33 less restrictive means are not available, such as voluntary
34 appearance for outpatient evaluation, a law enforcement officer,
35 or other designated agent of the court, shall take the person
36 into custody and deliver him or her to an appropriate, or the
37 nearest, facility within the designated receiving system
38 pursuant to s. 394.462 for involuntary examination. The order of
39 the court shall be made a part of the patient's clinical record.



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40 A fee may not be charged for the filing of an order under this
41 subsection. A facility accepting the patient based on this order
42 must send a copy of the order to the department within 5 working
43 days. The order may be submitted electronically through existing
44 data systems, if available. The order shall be valid only until
45 the person is delivered to the facility or for the period
46 specified in the order itself, whichever comes first. If a time
47 limit is not specified in the order, the order is valid for 7
48 days after the date that the order was signed.

49 2. A law enforcement officer may ~~shall~~ take a person who
50 appears to meet the criteria for involuntary examination into
51 custody and deliver the person or have him or her delivered to
52 an appropriate, or the nearest, facility within the designated
53 receiving system pursuant to s. 394.462 for examination. A law
54 enforcement officer transporting a person pursuant to this
55 subparagraph shall consider the person's mental and behavioral
56 state and restrain him or her in the least restrictive manner
57 necessary under the circumstances, especially if the person is a
58 minor. The officer shall execute a written report detailing the
59 circumstances under which the person was taken into custody,
60 which must be made a part of the patient's clinical record. Any
61 facility accepting the patient based on this report must send a
62 copy of the report to the department within 5 working days.

63 3. A physician, a physician assistant, a clinical
64 psychologist, a psychiatric nurse, an advanced practice
65 registered nurse registered under s. 464.0123, a mental health
66 counselor, a marriage and family therapist, or a clinical social
67 worker may execute a certificate stating that he or she has
68 examined a person within the preceding 48 hours and finds that



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69 the person appears to meet the criteria for involuntary
70 examination and stating the observations upon which that
71 conclusion is based. If other less restrictive means, such as
72 voluntary appearance for outpatient evaluation, are not
73 available, a law enforcement officer shall take into custody the
74 person named in the certificate and deliver him or her to the
75 appropriate, or nearest, facility within the designated
76 receiving system pursuant to s. 394.462 for involuntary
77 examination. The law enforcement officer shall execute a written
78 report detailing the circumstances under which the person was
79 taken into custody. The report and certificate shall be made a
80 part of the patient's clinical record. Any facility accepting
81 the patient based on this certificate must send a copy of the
82 certificate to the department within 5 working days. The
83 document may be submitted electronically through existing data
84 systems, if applicable.

85

86 When sending the order, report, or certificate to the
87 department, a facility shall, at a minimum, provide information
88 about which action was taken regarding the patient under
89 paragraph (g), which information shall also be made a part of
90 the patient's clinical record.

91 Section 3. Section 397.341, Florida Statutes, is created to
92 read:

93 397.341 Transportation of individuals by law enforcement
94 officers.—A law enforcement officer transporting an individual
95 pursuant to this chapter shall consider the person's mental and
96 behavioral state and restrain him or her in the least
97 restrictive manner necessary under the circumstances, especially



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98 if the individual is a minor.

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

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

101 And the title is amended as follows:

102 Delete everything before the enacting clause
103 and insert:

104 A bill to be entitled
105 An act relating to mental health and substance abuse;
106 amending s. 394.4625; requiring the express and
107 informed consent of a minor's guardian for voluntary
108 admission of the minor to a receiving facility;
109 removing a requirement that a hearing be held to
110 verify the voluntariness of a minor's consent before
111 his or her admission to a facility; amending s.
112 394.463; requiring law enforcement officers
113 transporting individuals for involuntary treatment to
114 take certain actions; creating s. 397.341; requiring
115 law enforcement officers transporting individuals for
116 treatment to take certain actions; providing an
117 effective date.