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1 A bill to be entitled
2 An act relating to mental health and substance abuse;
3 amending s. 394.4625, F.S.; revising provisions
4 relating to the voluntary admission of minors to a
5 facility for examination and treatment; requiring that
6 a minor's assent to voluntary care be verified through
7 a clinical review; amending s. 394.463, F.S.;
8 requiring law enforcement officers transporting
9 individuals for involuntary treatment to take certain
10 actions; creating s. 397.341, F.S.; requiring law
11 enforcement officers transporting individuals for
12 certain treatment to take certain actions; providing
13 an effective date.

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

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

19 394.4625 Voluntary admissions.—

20 (1) AUTHORITY TO RECEIVE PATIENTS.—

21 (a) A facility may receive for observation, diagnosis, or
22 treatment any person 18 years of age or older who applies ~~making~~
23 ~~application~~ by express and informed consent for admission or any
24 person age 17 or younger whose parent or legal guardian applies
25 under for admission ~~whom such application is made by his or her~~
26 ~~guardian~~. If found to show evidence of mental illness, to be
27 competent to provide express and informed consent, and to be
28 suitable for treatment, such person 18 years of age or older may
29 be admitted to the facility. A person age 17 or younger ~~under~~

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30 may be admitted only after a clinical review ~~hearing~~ to verify
31 the voluntariness of the minor's assent ~~consent~~.

32 (4) TRANSFER TO VOLUNTARY STATUS.—An involuntary patient
33 who applies to be transferred to voluntary status shall be
34 transferred to voluntary status immediately, unless the patient
35 has been charged with a crime, or has been involuntarily placed
36 for treatment by a court pursuant to s. 394.467 and continues to
37 meet the criteria for involuntary placement. When transfer to
38 voluntary status occurs, notice shall be given as provided in s.
39 394.4599, and if the patient is a minor, the minor's assent to
40 voluntary care must be verified as provided in paragraph (1) (a).

41 Section 2. Paragraph (a) of subsection (2) of section
42 394.463, Florida Statutes, is amended to read:

43 394.463 Involuntary examination.—

44 (2) INVOLUNTARY EXAMINATION.—

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

47 1. A circuit or county court may enter an ex parte order
48 stating that a person appears to meet the criteria for
49 involuntary examination and specifying the findings on which
50 that conclusion is based. The ex parte order for involuntary
51 examination must be based on written or oral sworn testimony
52 that includes specific facts that support the findings. If other
53 less restrictive means are not available, such as voluntary
54 appearance for outpatient evaluation, a law enforcement officer,
55 or other designated agent of the court, shall take the person
56 into custody and deliver him or her to an appropriate, or the
57 nearest, facility within the designated receiving system
58 pursuant to s. 394.462 for involuntary examination. The order of

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59 the court shall be made a part of the patient's clinical record.
60 A fee may not be charged for the filing of an order under this
61 subsection. A facility accepting the patient based on this order
62 must send a copy of the order to the department within 5 working
63 days. The order may be submitted electronically through existing
64 data systems, if available. The order shall be valid only until
65 the person is delivered to the facility or for the period
66 specified in the order itself, whichever comes first. If a time
67 limit is not specified in the order, the order is valid for 7
68 days after the date that the order was signed.

69 2. A law enforcement officer shall take a person who
70 appears to meet the criteria for involuntary examination into
71 custody and deliver the person or have him or her delivered to
72 an appropriate, or the nearest, facility within the designated
73 receiving system pursuant to s. 394.462 for examination. A law
74 enforcement officer transporting a person pursuant to this
75 subparagraph shall restrain the person in the least restrictive
76 manner available and appropriate under the circumstances. The
77 officer shall execute a written report detailing the
78 circumstances under which the person was taken into custody,
79 which must be made a part of the patient's clinical record. Any
80 facility accepting the patient based on this report must send a
81 copy of the report to the department within 5 working days.

82 3. A physician, a physician assistant, a clinical
83 psychologist, a psychiatric nurse, an advanced practice
84 registered nurse registered under s. 464.0123, a mental health
85 counselor, a marriage and family therapist, or a clinical social
86 worker may execute a certificate stating that he or she has
87 examined a person within the preceding 48 hours and finds that

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88 the person appears to meet the criteria for involuntary
89 examination and stating the observations upon which that
90 conclusion is based. If other less restrictive means, such as
91 voluntary appearance for outpatient evaluation, are not
92 available, a law enforcement officer shall take into custody the
93 person named in the certificate and deliver him or her to the
94 appropriate, or nearest, facility within the designated
95 receiving system pursuant to s. 394.462 for involuntary
96 examination. The law enforcement officer shall execute a written
97 report detailing the circumstances under which the person was
98 taken into custody. The report and certificate shall be made a
99 part of the patient's clinical record. Any facility accepting
100 the patient based on this certificate must send a copy of the
101 certificate to the department within 5 working days. The
102 document may be submitted electronically through existing data
103 systems, if applicable.

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105 When sending the order, report, or certificate to the
106 department, a facility shall, at a minimum, provide information
107 about which action was taken regarding the patient under
108 paragraph (g), which information shall also be made a part of
109 the patient's clinical record.

110 Section 3. Section 397.341, Florida Statutes, is created to
111 read:

112 397.341 Transportation of individuals by law enforcement
113 officers.—A law enforcement officer transporting an individual
114 pursuant to this chapter shall restrain that individual in the
115 least restrictive manner available and appropriate under the
116 circumstances.

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