

By Senator Brodeur

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1 A bill to be entitled
2 An act relating to transportation for voluntary mental
3 health crisis services; amending s. 394.462, F.S.;
4 revising the information that a county may include in
5 its transportation plan serving individuals seeking
6 certain voluntary services; authorizing counties to
7 designate at least one law enforcement agency to
8 transport persons on a voluntary basis to service
9 providers that have agreed to accept such persons;
10 prohibiting such individuals from being considered in
11 the custody of law enforcement officers; authorizing
12 law enforcement officers providing such courtesy
13 transports to conduct a specified search; conforming a
14 provision to changes made by the act; providing an
15 effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Section 394.462, Florida Statutes, is amended to
20 read:

21 394.462 Transportation.—A transportation plan shall be
22 developed and implemented by each county in collaboration with
23 the managing entity in accordance with this section. A county
24 may enter into a memorandum of understanding with the governing
25 boards of nearby counties to establish a shared transportation
26 plan. When multiple counties enter into a memorandum of
27 understanding for this purpose, the counties shall notify the
28 managing entity and provide it with a copy of the agreement. The
29 transportation plan shall describe methods of transport to a

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30 facility within the designated receiving system for individuals
31 subject to involuntary examination under s. 394.463 or
32 involuntary admission under s. 397.6772, s. 397.679, s.
33 397.6798, or s. 397.6811, and may identify responsibility for
34 other transportation to a participating facility when necessary
35 and agreed to by the facility. The plan may also describe
36 methods of transport for individuals seeking voluntary services
37 and the conditions under which such transport may be provided.
38 The plan may rely on emergency medical transport services or
39 private transport companies, as appropriate. The plan shall
40 comply with the transportation provisions of this section and
41 ss. 397.6772, 397.6795, 397.6822, and 397.697.

42 (1) TRANSPORTATION TO A RECEIVING FACILITY.—

43 (a) Each county shall designate a single law enforcement
44 agency within the county, or portions thereof, to take a person
45 into custody upon the entry of an ex parte order or the
46 execution of a certificate for involuntary examination by an
47 authorized professional and to transport that person to the
48 appropriate facility within the designated receiving system
49 pursuant to a transportation plan.

50 (b)1. The designated law enforcement agency may decline to
51 transport the person to a receiving facility only if:

52 a. The jurisdiction designated by the county has contracted
53 on an annual basis with an emergency medical transport service
54 or private transport company for transportation of persons to
55 receiving facilities pursuant to this section at the sole cost
56 of the county; and

57 b. The law enforcement agency and the emergency medical
58 transport service or private transport company agree that the

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59 continued presence of law enforcement personnel is not necessary
60 for the safety of the person or others.

61 2. The entity providing transportation may seek
62 reimbursement for transportation expenses. The party responsible
63 for payment for such transportation is the person receiving the
64 transportation. The county shall seek reimbursement from the
65 following sources in the following order:

66 a. From a private or public third-party payor, if the
67 person receiving the transportation has applicable coverage.

68 b. From the person receiving the transportation.

69 c. From a financial settlement for medical care, treatment,
70 hospitalization, or transportation payable or accruing to the
71 injured party.

72 (c) A company that transports a patient pursuant to this
73 subsection is considered an independent contractor and is solely
74 liable for the safe and dignified transport of the patient. Such
75 company must be insured and provide no less than \$100,000 in
76 liability insurance with respect to the transport of patients.

77 (d) Any company that contracts with a governing board of a
78 county to transport patients shall comply with the applicable
79 rules of the department to ensure the safety and dignity of
80 patients.

81 (e) When a law enforcement officer takes custody of a
82 person pursuant to this part, the officer may request assistance
83 from emergency medical personnel if such assistance is needed
84 for the safety of the officer or the person in custody.

85 (f) When a member of a mental health overlay program or a
86 mobile crisis response service is a professional authorized to
87 initiate an involuntary examination pursuant to s. 394.463 or s.

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88 397.675 and that professional evaluates a person and determines
89 that transportation to a receiving facility is needed, the
90 service, at its discretion, may transport the person to the
91 facility or may call on the law enforcement agency or other
92 transportation arrangement best suited to the needs of the
93 patient.

94 (g) When any law enforcement officer has custody of a
95 person based on either noncriminal or minor criminal behavior
96 that meets the statutory guidelines for involuntary examination
97 pursuant to s. 394.463, the law enforcement officer shall
98 transport the person to the appropriate facility within the
99 designated receiving system pursuant to a transportation plan.
100 Persons who meet the statutory guidelines for involuntary
101 admission pursuant to s. 397.675 may also be transported by law
102 enforcement officers to the extent resources are available and
103 as otherwise provided by law. Such persons shall be transported
104 to an appropriate facility within the designated receiving
105 system pursuant to a transportation plan.

106 (h) When any law enforcement officer has arrested a person
107 for a felony and it appears that the person meets the statutory
108 guidelines for involuntary examination or placement under this
109 part, such person must first be processed in the same manner as
110 any other criminal suspect. The law enforcement agency shall
111 thereafter immediately notify the appropriate facility within
112 the designated receiving system pursuant to a transportation
113 plan. The receiving facility shall be responsible for promptly
114 arranging for the examination and treatment of the person. A
115 receiving facility is not required to admit a person charged
116 with a crime for whom the facility determines and documents that

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117 it is unable to provide adequate security, but shall provide
118 examination and treatment to the person where he or she is held.

119 (i) If the appropriate law enforcement officer believes
120 that a person has an emergency medical condition as defined in
121 s. 395.002, the person may be first transported to a hospital
122 for emergency medical treatment, regardless of whether the
123 hospital is a designated receiving facility.

124 (j) The costs of transportation, evaluation,
125 hospitalization, and treatment incurred under this subsection by
126 persons who have been arrested for violations of any state law
127 or county or municipal ordinance may be recovered as provided in
128 s. 901.35.

129 (k) The appropriate facility within the designated
130 receiving system pursuant to a transportation plan must accept
131 persons brought by law enforcement officers, or an emergency
132 medical transport service or a private transport company
133 authorized by the county, for involuntary examination pursuant
134 to s. 394.463.

135 (l) The appropriate facility within the designated
136 receiving system pursuant to a transportation plan must provide
137 persons brought by law enforcement officers, or an emergency
138 medical transport service or a private transport company
139 authorized by the county, pursuant to s. 397.675, a basic
140 screening or triage sufficient to refer the person to the
141 appropriate services.

142 (m) Each law enforcement agency designated pursuant to
143 paragraph (a) shall establish a policy that reflects a single
144 set of protocols for the safe and secure transportation and
145 transfer of custody of the person. Each law enforcement agency

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146 shall provide a copy of the protocols to the managing entity.

147 (n) When a jurisdiction has entered into a contract with an
148 emergency medical transport service or a private transport
149 company for transportation of persons to facilities within the
150 designated receiving system, such service or company shall be
151 given preference for transportation of persons from nursing
152 homes, assisted living facilities, adult day care centers, or
153 adult family-care homes, unless the behavior of the person being
154 transported is such that transportation by a law enforcement
155 officer is necessary.

156 (o) This section may not be construed to limit emergency
157 examination and treatment of incapacitated persons provided in
158 accordance with s. 401.445.

159 (2) TRANSPORTATION TO A TREATMENT FACILITY.—

160 (a) If neither the patient nor any person legally obligated
161 or responsible for the patient is able to pay for the expense of
162 transporting a voluntary or involuntary patient to a treatment
163 facility, the transportation plan established by the governing
164 board of the county or counties must specify how the
165 hospitalized patient will be transported to, from, and between
166 facilities in a safe and dignified manner.

167 (b) A company that transports a patient pursuant to this
168 subsection is considered an independent contractor and is solely
169 liable for the safe and dignified transportation of the patient.
170 Such company must be insured and provide no less than \$100,000
171 in liability insurance with respect to the transport of
172 patients.

173 (c) A company that contracts with one or more counties to
174 transport patients in accordance with this section shall comply

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175 with the applicable rules of the department to ensure the safety
176 and dignity of patients.

177 (d) County or municipal law enforcement and correctional
178 personnel and equipment may not be used to transport patients
179 adjudicated incapacitated or found by the court to meet the
180 criteria for involuntary placement pursuant to s. 394.467,
181 except in small rural counties where there are no cost-efficient
182 alternatives.

183 (3) TRANSPORTATION TO A SERVICE PROVIDER OTHER THAN A
184 TREATMENT FACILITY OR RECEIVING FACILITY.—The county may
185 designate at least one law enforcement agency to transport
186 persons on a voluntary basis to service providers that have
187 agreed to accept such persons. Such persons may not be
188 considered to be in the custody of the law enforcement officer
189 providing such transportation. A law enforcement officer
190 providing such transportation may search the person to the
191 extent necessary to disclose the presence of a weapon.

192 (4) ~~(3)~~ TRANSFER OF CUSTODY.—Except as provided in
193 subsection (3), custody of a person who is transported pursuant
194 to this part, along with related documentation, shall be
195 relinquished to a responsible individual at the appropriate
196 receiving or treatment facility.

197 Section 2. This act shall take effect July 1, 2023.