

By Senator Calatayud

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1 A bill to be entitled
2 An act relating to behavioral health; amending s.
3 394.463, F.S.; requiring a law enforcement officer to
4 provide a parent or legal guardian of a minor being
5 transported to certain facilities with specified
6 facility information; amending s. 394.4785, F.S.;
7 requiring a specified mental health facility to have a
8 waiting area for minors which is physically separate
9 from any adult waiting area; amending s. 365.179,
10 F.S.; defining the term "mobile response team";
11 requiring sheriffs to develop and implement certain
12 written agreements with mobile response team
13 providers; providing requirements for such agreements;
14 requiring a 911 public safety answering point to
15 dispatch a mobile response team as the primary
16 responder under certain circumstances; providing an
17 exception; providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. 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

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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.
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 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 restrain the person in the least restrictive
56 manner available and appropriate under the circumstances. If
57 transporting a minor and the parent or legal guardian of the
58 minor is present, before departing, the law enforcement officer

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59 must provide the parent or legal guardian of the minor with the
60 name, address, and contact information for the facility within
61 the designated receiving system to which the law enforcement
62 officer is transporting the minor. The officer shall execute a
63 written report detailing the circumstances under which the
64 person was taken into custody, which must be made a part of the
65 patient's clinical record. The report must include all emergency
66 contact information for the person that is readily accessible to
67 the law enforcement officer, including information available
68 through electronic databases maintained by the Department of Law
69 Enforcement or by the Department of Highway Safety and Motor
70 Vehicles. Such emergency contact information may be used by a
71 receiving facility only for the purpose of informing listed
72 emergency contacts of a patient's whereabouts pursuant to s.
73 119.0712(2)(d). Any facility accepting the patient based on this
74 report must send a copy of the report to the department within 5
75 working days.

76 3. A physician, a physician assistant, a clinical
77 psychologist, a psychiatric nurse, an advanced practice
78 registered nurse registered under s. 464.0123, a mental health
79 counselor, a marriage and family therapist, or a clinical social
80 worker may execute a certificate stating that he or she has
81 examined a person within the preceding 48 hours and finds that
82 the person appears to meet the criteria for involuntary
83 examination and stating the observations upon which that
84 conclusion is based. If other less restrictive means, such as
85 voluntary appearance for outpatient evaluation, are not
86 available, a law enforcement officer shall take into custody the
87 person named in the certificate and deliver him or her to the

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88 appropriate, or nearest, facility within the designated
89 receiving system pursuant to s. 394.462 for involuntary
90 examination. The law enforcement officer shall execute a written
91 report detailing the circumstances under which the person was
92 taken into custody. The report must include all emergency
93 contact information for the person that is readily accessible to
94 the law enforcement officer, including information available
95 through electronic databases maintained by the Department of Law
96 Enforcement or by the Department of Highway Safety and Motor
97 Vehicles. Such emergency contact information may be used by a
98 receiving facility only for the purpose of informing listed
99 emergency contacts of a patient's whereabouts pursuant to s.
100 119.0712(2)(d). The report and certificate shall be made a part
101 of the patient's clinical record. Any facility accepting the
102 patient based on this certificate must send a copy of the
103 certificate to the department within 5 working days. The
104 document may be submitted electronically through existing data
105 systems, if applicable.

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

112 Section 2. Present subsection (2) of section 394.4785,
113 Florida Statutes, is redesignated as subsection (3), and a new
114 subsection (2) is added to that section, to read:

115 394.4785 Children and adolescents; admission and placement
116 in mental facilities.-

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117 (2) A crisis stabilization unit that admits children and
118 adults must have a waiting area for minors which is physically
119 separate from any waiting area used by adults.

120 Section 3. Present subsection (5) of section 365.179,
121 Florida Statutes, is redesignated as subsection (6), a new
122 subsection (5) is added to that section, and subsection (1) and
123 present subsection (5) of that section are amended, to read:

124 365.179 Direct radio communication between 911 public
125 safety answering points and first responders.—

126 (1) As used in this section, the term:

127 (a) "First responder agency" includes each law enforcement
128 agency and fire service agency, other than a state agency, and
129 each emergency medical services provider, that is designated as
130 a primary first responder for the service area in which a 911
131 public safety answering point receives 911 calls.

132 (b) "Mobile response team" means a team established under
133 s. 394.495(7).

134 (c) ~~(b)~~ "911 public safety answering point" or "PSAP" means
135 a municipal or county emergency communications or 911 call
136 center in this state that receives cellular, landline, or text-
137 to-911 communications.

138 (5) Each sheriff shall develop and implement written
139 agreements with all providers of mobile response teams within
140 the county. The written agreements shall specify the protocols
141 and methods for dispatching mobile response teams when the PSAP
142 receives a call regarding a behavioral health emergency for a
143 child or adolescent. If the PSAP determines that a mobile
144 response team is the most appropriate responder to a child or
145 adolescent's behavioral health emergency, the PSAP must dispatch

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146 the mobile response team as the primary responder unless the
147 mobile response team is not available.

148 (6)(5) Each primary first responder agency, PSAP, mobile
149 response team, and dispatch center within each county shall
150 train all applicable personnel regarding the procedures and
151 protocols specified in the ~~interlocal~~ agreements made pursuant
152 to this section. This training shall also include radio
153 functionality and how to readily access the necessary dispatch
154 channels in accordance with the interlocal agreements, and, if
155 appropriate, agreements with mobile response teams.

156 Section 4. This act shall take effect July 1, 2024.