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LEGISLATIVE ACTION

Senate

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House

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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



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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



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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.



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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



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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.