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LEGISLATIVE ACTION

Senate

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House

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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)**

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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.