



State of Florida
Department of Children and Families

Rick Scott
Governor

Mike Carroll
Secretary

DATE: November 3, 2017
TO: SAMH Regional Directors
FROM:  John N. Bryant, Assistant Secretary
THROUGH: Ute Gazioch, Director 
SUBJECT: CS/CS/HB 1121 Provision Relating to Involuntary Examination of Minors

The Florida Legislature passed House Bill 1121 during the 2017 Session, which was signed into law by the Governor on June 23, 2017 as Chapter 2017-151, Laws of Florida.

House Bill 1121 amends s. 394.463(2)(g), F.S., which specifies, *"The examination period must be for up to 72 hours. For a minor, the examination shall be initiated within 12 hours after the patient's arrival at the facility."*

The purpose of this memorandum is to clarify the Department's legal interpretation of this provision, as follows:

- The examination period for adults and minors remains 72 hours; however,
- In the case of a minor, the examination to determine if the criteria for involuntary services are met must be initiated within the first 12 hours of the minor's arrival at the facility.

The individual, adult or minor, must be examined by a physician, clinical psychologist, or a psychiatric nurse performing within the framework of an established protocol with a psychiatrist. Within the 72-hour examination period or, if the examination period ends on a weekend or holiday, no later than the next working day thereafter, one of four actions must be taken:

- The individual must be released, unless charged with a crime, in which case they are returned to the custody of law enforcement;
- The individual must be released, unless charged with a crime, for voluntary outpatient services;
- The individual must be released, unless charged with a crime, and asked to give express and informed consent to voluntary admission; or
- A petition for involuntary services must be filed in the circuit or criminal court, as applicable, if inpatient admission is deemed necessary.

Please distribute this document to your managing entities and providers immediately.

1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

Mission: Work in Partnership with Local Communities to Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and Advance Personal and Family Recovery and Resiliency