

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT

Defendant.

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**COMPLAINT**

Plaintiff Disability Rights Florida (“DRF”) sues the Florida Department of Children and Families (“the Department”) and alleges as follows:

**INTRODUCTION**

1. Since 2007, Florida law has required that the Florida Department of Children and Families collect and publish reports on certain specific data about the use of involuntary psychiatric examination under the Florida Mental Health Act, known as the Baker Act, § 394.461(4); Ch. 2007-169, Laws of Fla (“subsection 4”). Yet despite this unambiguous statutory command, the Department does not collect or report on this data.

2. DRF brings suit to compel the Department to comply with its statutory obligations by collecting and publishing this important data.

3. Under the Baker Act, people with mental illnesses may be held against their will for psychiatric examination and treatment under certain circumstances. See §§ 394.463(1), 394.467(4), and 394.465(13), Fla. Stat. (collectively, “Baker Act”) (the Baker Act) (that will violate this Court’s public trust only if it is not performed in a manner that complies with the principles of *Humphrey v. Cady*, 405 U.S. 504, 509 (1972)), and hen



depending on payor type.<sup>4</sup> Understanding how long children enrolled in Medicaid and seniors enrolled in

15.

(Violation of the Public Records Act, § 119.01(1), Fla. Stat.)

22. The allegations in paragraphs 1, 3-5, 8-12 and 15-19 are realleged and incorporated herein by reference.

23. DRF made a valid public records request for data on involuntary commitments in Florida and related reports.

24. Responsive records exist either in the Dstmbe D rs



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