

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee
2 Representative Gentry offered the following:

Amendment (with title amendment)

5 Remove lines 57-172 and insert:
6 within 5 working days. Within 6 business hours after the court
7 issues an order, the clerk of the court shall electronically
8 submit the order to the sheriff or a law enforcement agency in
9 the county where the order is to be served ~~may be submitted~~
10 ~~electronically through existing data systems, if available.~~ The
11 order is ~~shall be~~ valid only until the person is delivered to
12 the facility or for the period specified in the order itself,
13 whichever comes first. If a time limit is not specified in the
14 order, the order is valid for 7 days after the date that the
15 order was signed.

Amendment No. 1

16 2. A law enforcement officer may take a person who appears
17 to meet the criteria for involuntary examination into custody
18 and deliver the person or have him or her delivered to an
19 appropriate, or the nearest, facility within the designated
20 receiving system pursuant to s. 394.462 for examination. A law
21 enforcement officer transporting a person pursuant to this
22 section shall restrain the person in the least restrictive
23 manner available and appropriate under the circumstances. If
24 transporting a minor and the parent or legal guardian of the
25 minor is present, before departing, the law enforcement officer
26 must ~~shall~~ provide the parent or legal guardian of the minor
27 with the name, address, and contact information for the facility
28 within the designated receiving system to which the law
29 enforcement officer is transporting the minor, subject to any
30 safety and welfare concerns for the minor. The officer shall
31 execute a written report detailing the circumstances under which
32 the person was taken into custody, which must be made a part of
33 the patient's clinical record. The report must include all
34 emergency contact information for the person that is readily
35 accessible to the law enforcement officer, including information
36 available through electronic databases maintained by the
37 Department of Law Enforcement or by the Department of Highway
38 Safety and Motor Vehicles. Such emergency contact information
39 may be used by a receiving facility only for the purpose of
40 informing listed emergency contacts of a patient's whereabouts

Amendment No. 1

41 pursuant to s. 119.0712(2)(d). Any facility accepting the
42 patient based on this report must send a copy of the report to
43 the department within 5 working days.

44 3. A physician, a physician assistant, a clinical
45 psychologist, a psychiatric nurse, an advanced practice
46 registered nurse registered under s. 464.0123, a mental health
47 counselor, a marriage and family therapist, or a clinical social
48 worker may execute a certificate stating that he or she has
49 examined a person within the preceding 48 hours and finds that
50 the person appears to meet the criteria for involuntary
51 examination and stating the observations upon which that
52 conclusion is based. If other less restrictive means, such as
53 voluntary appearance for outpatient evaluation, are not
54 available, a law enforcement officer must ~~shall~~ take into
55 custody the person named in the certificate and deliver him or
56 her to the appropriate, or nearest, facility within the
57 designated receiving system pursuant to s. 394.462 for
58 involuntary examination. The law enforcement officer shall
59 execute a written report detailing the circumstances under which
60 the person was taken into custody and include all emergency
61 contact information required under subparagraph 2. Such
62 emergency contact information may be used by a receiving
63 facility only for the purpose of informing listed emergency
64 contacts of a patient's whereabouts pursuant to s.
65 119.0712(2)(d). The report and certificate must ~~shall~~ be made a

469389 - h0513-line 57.docx

Published On: 3/25/2025 3:05:21 PM

Amendment No. 1

66 part of the patient's clinical record. Any facility accepting
67 the patient based on this certificate must send a copy of the
68 certificate to the department within 5 working days. The
69 document may be submitted electronically through existing data
70 systems, if applicable.

71
72 When sending the order, report, or certificate to the
73 department, a facility shall, at a minimum, provide information
74 about which action was taken regarding the patient under
75 paragraph (g), which information must ~~shall~~ also be made a part
76 of the patient's clinical record.

77 **Section 2. Subsection (3) of section 397.68151, Florida**
78 **Statutes, is amended to read:**

79 397.68151 Duties of court upon filing of petition for
80 involuntary services.—

81 (3) A copy of the petition and notice of the hearing must
82 be provided to the respondent; the respondent's parent,
83 guardian, or legal custodian, in the case of a minor; the
84 respondent's attorney, if known; the petitioner; the
85 respondent's spouse or guardian, if applicable; and such other
86 persons as the court may direct. If the respondent is a minor, a
87 copy of the petition and notice of the hearing must be
88 personally delivered to the respondent. The clerk shall also
89 issue a summons to the person whose admission is sought, and,
90 unless a circuit court's chief judge authorizes disinterested

Amendment No. 1

91 private process servers to serve parties under this chapter,
92 within 6 business hours after the summons being issued, the
93 clerk of the court shall electronically submit the summons and,
94 if applicable, a copy of the petition and notice of hearing to a
95 law enforcement agency to ~~must~~ effect such service on the person
96 whose admission is sought for the initial treatment hearing.

97 **Section 3. Paragraph (a) of subsection (3) and subsection**
98 **(5) of section 790.401, Florida Statutes, are amended to read:**

99 790.401 Risk protection orders.—

100 (3) RISK PROTECTION ORDER HEARINGS AND ISSUANCE.—

101 (a) Upon receipt of a petition, the court must order a
102 hearing to be held no later than 14 days after the date of the
103 order and must issue a notice of hearing to the respondent for
104 the same.

105 1. The clerk of the court shall electronically transmit
106 within 6 business hours after the court issues an order and
107 notice of hearing ~~cause~~ a copy of the order, notice of hearing,
108 and petition ~~to be forwarded on or before the next business day~~
109 to the appropriate law enforcement agency for service upon the
110 respondent as provided in subsection (5).

111 2. The court may, as provided in subsection (4), issue a
112 temporary ex parte risk protection order pending the hearing
113 ordered under this subsection. Such temporary ex parte order
114 must be served concurrently with the notice of hearing and
115 petition as provided in subsection (5).

469389 - h0513-line 57.docx

Published On: 3/25/2025 3:05:21 PM

Amendment No. 1

116 3. The court may conduct a hearing by telephone pursuant
117 to a local court rule to reasonably accommodate a disability or
118 exceptional circumstances. The court must receive assurances of
119 the petitioner's identity before conducting a telephonic
120 hearing.

121 (5) SERVICE.—

122 (a) Within 6 business hours after the court issues a
123 temporary ex

124

125 -----

126 **T I T L E A M E N D M E N T**

127 Remove lines 4-9 and insert:

128 of the court, within 6 business hours after a court
129 issues an ex parte order for involuntary commitment,
130 to submit the order electronically to the sheriff or
131 law enforcement agency in the county where the order
132 is to be served; amending s. 397.68151, F.S.;
133 requiring the clerk of the court, within 6 business
134 hours after a certain