

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [HB 513](#)

**TITLE:** Electronic Transmittal of Court Orders

**SPONSOR(S):** Gentry

**COMPANION BILL:** [CS/SB 774](#) (Wright)

**LINKED BILLS:** None

**RELATED BILLS:** None

### Committee References

[Criminal Justice](#)

15 Y, 0 N



[Judiciary](#)

22 Y, 0 N

## SUMMARY

### Effect of the Bill:

HB 513 requires clerks of court to electronically transmit specified petitions, notices of hearings, summons, and orders within a specified timeframe, including orders for involuntary examination under the Baker Act, summons on respondents in petitions for involuntary services under the Marchman Act, and risk protection orders. The bill also requires clerks to certify electronic copies of risk protection orders and requires that such copies be served in the same manner as certified copies.

### Fiscal or Economic Impact:

The bill may have an indeterminate impact on state and local governments which may vary based on the existing resources and procedures that each clerk of court office currently has in place and the extent to which such offices require additional resources to comply with the requirements of the bill.

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## ANALYSIS

### **EFFECT OF THE BILL:**

HB 513 requires clerks of court to electronically transmit specified petitions, notices of hearings, summons, and orders within specified timeframes, including orders for [involuntary examination](#) under [the Baker Act](#), summons on respondents in petitions for [involuntary services](#) under [the Marchman Act](#), and [risk protection orders](#). Specifically, the bill requires clerks of court to electronically submit:

- A court order for involuntary examination within six hours after the court issues the order to the sheriff or a law enforcement agency in the county where the order is to be served. (Section [1](#)).
- A summons and, if applicable, a copy of the petition and notice of hearing, related to a petition for involuntary services, within six hours after the summons is issued to a law enforcement agency to effect service on the individual who is sought for [admission to involuntary services](#). (Section [2](#)).
- A court order requiring a hearing to be held on a [petition for a risk protection order](#), a copy of the petition, and notice of hearing within six hours after the court issues such an order and notice of hearing to the appropriate law enforcement agency for [service](#) on the respondent. (Section [3](#)).
- A copy of notice of hearing, the petition, and the [temporary ex parte risk protection order](#) or [final risk protection order](#) within six hours after the court issues such an order to the sheriff of the county where the respondent resides or can be found, who shall serve it on the respondent. (Section [3](#)).

The bill also requires clerks of court to certify electronic copies of temporary ex parte risk protection orders and final risk protection orders and for such copies to be served in the same manner as a certified copy. (Section [3](#)).

The changes under the bill will mandate electronic transmittal of such documents where electronic transmittal is currently voluntary or not provided as an option and will also insert shortened timeframes within which to complete such transmittals where there is no such deadline or a longer deadline currently exists.

**STORAGE NAME:** h0513c.JDC

**DATE:** 3/26/2025

The bill provides an effective date of July 1, 2025. (Section [4](#)).

## **FISCAL OR ECONOMIC IMPACT:**

### **STATE GOVERNMENT:**

The bill may have an indeterminate impact on state government which may vary based on the existing resources and procedures that each clerk of court office currently has in place and the extent to which such offices require additional resources to comply with the requirements of the bill.

### **LOCAL GOVERNMENT:**

The bill may have an indeterminate impact on local government which may vary based on the existing resources and procedures that each clerk of court office currently has in place and the extent to which such offices require additional resources to comply with the requirements of the bill.

## **RELEVANT INFORMATION**

### **SUBJECT OVERVIEW:**

#### **[The Baker Act](#)**

The Florida Mental Health Act, commonly referred to as the Baker Act, was enacted in 1971 to revise the state's mental health commitment laws.<sup>1</sup> The Act includes legal procedures for mental health examination and treatment, including voluntary and involuntary examinations. It additionally protects the rights of all individuals examined or treated for mental illness in Florida.<sup>2</sup>

#### **[Involuntary Examination](#)**

Individuals in an acute mental or behavioral health crisis may require emergency treatment to stabilize their condition. Emergency mental health examination and stabilization services may be provided on a voluntary or involuntary basis.<sup>3</sup> An involuntary examination may be required if there is reason to believe that a person has a mental illness and because of his or her mental illness he or she:

- Has refused voluntary examination; or
- Is unable to determine for himself or herself whether examination is necessary; and<sup>4</sup>

Without care or treatment:

- He or she is likely to suffer from neglect or refuse to care for himself or herself to the extent that such neglect or refusal poses a real and present threat of substantial harm to his or her well-being, and it does not appear that such harm can be avoided through the help of willing, able, and responsible family members or friends or the provision of other services; or
- There is a substantial likelihood that he or she will cause serious bodily harm to himself or herself or others in the near future, as evidenced by recent behavior.<sup>5</sup>

An involuntary examination may be initiated by:

- A circuit or county court entering an ex parte order stating that a person appears to meet the criteria for involuntary examination;<sup>6</sup>
- A law enforcement officer taking a person who appears to meet the criteria for involuntary examination into custody and delivering the person or having him or her delivered to a receiving facility for examination;<sup>7</sup> or

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<sup>1</sup> The Baker Act is contained in Part I of ch. 394, F.S.

<sup>2</sup> S. [394.459, F.S.](#)

<sup>3</sup> Ss. [394.4625](#) and [394.463, F.S.](#)

<sup>4</sup> S. [394.463\(1\)\(a\), F.S.](#)

<sup>5</sup> S. [394.463\(1\)\(b\), F.S.](#)

<sup>6</sup> S. [394.463\(2\)\(a\)1, F.S.](#)

<sup>7</sup> S. [394.463\(2\)\(a\)2, F.S.](#)

- A physician, physician assistant, clinical psychologist, psychiatric nurse, an autonomous advanced practice registered nurse, mental health counselor, marriage and family therapist, or clinical social worker executing a certificate stating that he or she has examined a person within the preceding 48 hours and finds that the person appears to meet the criteria for involuntary examination.<sup>8</sup>

Involuntary examination patients must be taken to a facility that has been designated by the Department of Children and Families (DCF) as a receiving facility. Receiving facilities, often referred to as Baker Act receiving facilities, are public or private facilities designated by DCF to receive and hold or refer, as appropriate, involuntary patients under emergency conditions for mental health or substance abuse evaluation and to provide treatment or transportation to the appropriate service provider.<sup>9</sup> Any receiving facility accepting a patient pursuant to an ex parte court order must send a copy of such order to DCF within five working days. The order may be submitted to DCF electronically through existing data systems, if available.<sup>10</sup> Under the Baker Act, a receiving facility must examine an involuntary patient within 72 hours of arrival.<sup>11</sup>

### [The Marchman Act](#)

The Marchman Act supports substance abuse prevention and remediation through a system of prevention, detoxification, and treatment services to assist individuals at risk for or affected by substance abuse. An individual may receive services under the Marchman Act through either voluntary<sup>12</sup> or involuntary admission.<sup>13</sup>

### [Involuntary Admissions](#)

An individual meets the criteria for an involuntary admission under the Marchman Act when there is good faith reason to believe the individual is substance abuse impaired or has a substance use disorder and a co-occurring mental health disorder and, because of such impairment or disorder:

- He or she has lost the power of self-control with respect to substance abuse; and
- His or her judgment has been so impaired because of substance abuse that he or she is incapable of appreciating his or her need for substance abuse services and of making a rational decision in regard to such services; or
- Without care or treatment, he or she is likely to suffer from neglect or refuse to care for himself or herself to the extent that such neglect or refusal poses a real and present threat of substantial harm to his or her well-being and it does not appear that such harm can be avoided through the help of willing, able, and responsible family members or friends or the provision of other services; or
- There is a substantial likelihood that he or she has either inflicted, attempted or threatened to inflict, or unless admitted, is likely to inflict physical harm on himself or herself or another.<sup>14</sup>

Under the Marchman Act, to be “impaired” or “substance abuse impaired,” a person must have a substance abuse disorder or a condition involving the use of alcoholic beverages, illicit or prescription drugs, or any psychoactive<sup>15</sup> or mood-altering substance in such a manner as to induce mental, emotional, or physical problems or cause socially dysfunctional behavior.<sup>16</sup>

### [Petitions for Involuntary Treatment](#)

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<sup>8</sup> S. [394.463\(2\)\(a\)3, F.S.](#)

<sup>9</sup> S. [394.455\(40\), F.S.](#) This term does not include a county jail.

<sup>10</sup> S. [394.463\(2\)\(a\)1, F.S.](#)

<sup>11</sup> S. [394.463\(2\)\(g\), F.S.](#)

<sup>12</sup> See s. [397.601, F.S.](#)

<sup>13</sup> See ss. [397.675 – 397.6977, F.S.](#)

<sup>14</sup> S. [397.675, F.S.](#)

<sup>15</sup> A psychoactive substance is a drug or other substance that affects how the brain works and causes changes in mood, awareness, thoughts, feelings, or behavior. Examples of psychoactive substances include alcohol, caffeine, nicotine, marijuana, and certain pain medicines. Many illegal drugs, such as heroin, LSD, cocaine, and amphetamines are also psychoactive substances. National Cancer Institute, *Psychoactive Substance*, <https://www.cancer.gov/publications/dictionaries/cancer-terms/def/psychoactive-substance>, (last visited March 13, 2025).

<sup>16</sup> S. [397.311\(20\), F.S.](#)

Section [397.681, F.S.](#), provides that courts have jurisdiction over involuntary treatment petitions for substance abuse impaired individuals. Such petitions must be filed with the clerk of court in the county where the person is located.<sup>17</sup>

Section [397.68112, F.S.](#), authorizes a petition for involuntary treatment services to be filed:

- If the respondent is an adult, by the respondent's spouse, legal guardian, any relative, a service provider, or an adult who has direct personal knowledge of the respondent's substance abuse impairment and his or her prior course of assessment and treatment.<sup>18</sup>
- If the respondent is a minor, by a parent, legal guardian, or service provider.<sup>19</sup>

A petition for involuntary services must contain the:

- Name of the respondent;
- Name of the petitioner;
- Relationship between the respondent and the petitioner;
- Name of the respondent's attorney, if known; and
- Factual allegations presented by the petitioner establishing the need for involuntary services for substance abuse impairment.<sup>20</sup>

When a petition for involuntary services is filed, the court must:

- Immediately determine whether the respondent is represented by an attorney or whether the appointment of counsel is appropriate.<sup>21</sup>
- Schedule a hearing on the petition within 10 court working days unless a continuance is granted.<sup>22</sup>

A copy of the petition and notice of hearing must be provided to:

- The respondent;<sup>23</sup>
- The respondent's parent, guardian, or legal custodian, if the respondent is a minor;
- The respondent's attorney, if known;
- The petitioner;
- The respondent's spouse or guardian, if applicable; and
- Such other persons as the court may direct.<sup>24</sup>

Additionally, the clerk of court must issue a summons to the respondent, service of which must be performed by a law enforcement agency.<sup>25</sup>

#### Hearing and Final Order on a Petition for Involuntary Treatment Services

The respondent must be present at a hearing on a petition for involuntary treatment services unless the court finds that he or she knowingly, intelligently, and voluntarily waives his or her right to be present or, upon receiving proof of service and evaluating the circumstances of the case, that his or her presence is inconsistent with his or her best interests or is likely to be injurious to self or others.<sup>26</sup>

The petitioner has the burden of proving at the hearing that:

- The respondent is substance abuse impaired and has a history of lack of compliance with treatment for substance abuse; and

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<sup>17</sup> S. [397.681\(1\), F.S.](#)

<sup>18</sup> S. [397.68112\(1\), F.S.](#)

<sup>19</sup> S. [397.68112\(2\), F.S.](#)

<sup>20</sup> S. [397.68141, F.S.](#)

<sup>21</sup> S. [397.68151\(1\), F.S.](#)

<sup>22</sup> S. [397.68151\(2\), F.S.](#)

<sup>23</sup> If the respondent is a minor, a copy of the petition and notice of hearing must be personally delivered to the respondent. S. [397.68151\(3\), F.S.](#)

<sup>24</sup> *Id.*

<sup>25</sup> Unless the circuit court's chief judge authorizes disinterested private process servers to serve parties. *Id.*

<sup>26</sup> S. [397.6957\(1\)\(a\), F.S.](#)

- Because of such impairment the respondent is unlikely to voluntarily participate in the recommended services or is unable to determine for himself or herself whether services are necessary and:
  - Without services, the respondent is likely to suffer from neglect or refuse to care for himself or herself; that such neglect or refusal poses a real and present threat of substantial harm to his or her well-being; and that there is a substantial likelihood that without services the respondent will cause serious bodily harm to himself, herself, or another in the near future, as evidenced by recent behavior; or
  - The respondent's refusal to voluntarily receive care is based on judgment so impaired by reason of substance abuse that the respondent is incapable of appreciating his or her need for care and of making a rational decision regarding that need for care.<sup>27</sup>

If, following a hearing on the petition and reviewing all the relevant evidence, the court finds that the conditions for involuntary treatment services have been proven by clear and convincing evidence, it may order the respondent to receive involuntary treatment services from a publicly funded licensed service provider for a period not to exceed 90 days.<sup>28</sup>

### **Risk Protection Orders**

Section [790.401, F.S.](#), authorizes a law enforcement officer or a law enforcement agency to file a petition for a risk protection order (RPO). An RPO can be either a temporary ex parte order or a final order which requires a respondent to surrender to the law enforcement agency all firearms and ammunition owned by the respondent that are in his or her custody, control, or possession and any license to carry a concealed weapon or concealed firearm issued to the respondent.<sup>29</sup>

### **Petition**

A petition for an RPO must be filed in the circuit court in the county where the petitioner's law enforcement agency is located or where the respondent resides<sup>30</sup> and must:

- Allege the respondent poses a significant danger of causing personal injury to himself or herself or others by having a firearm or any ammunition in his or her custody or control or by purchasing, possessing, or receiving a firearm or any ammunition, and such allegation must be accompanied by an affidavit made under oath which states the specific statements, actions, or facts that give rise to a reasonable fear of significant dangerous acts by the respondent;
- Identify the quantities, types, and locations of all firearms and ammunition the petitioner believes to be in the respondent's current ownership, possession, custody, or control; and
- Identify whether there is a known existing protection order governing the respondent under [s. 741.30, F.S.](#), (relating to domestic violence), [s. 784.046, F.S.](#), (relating to repeat violence, sexual violence, or dating violence), or [s. 784.0485, F.S.](#), (relating to stalking).<sup>31</sup>

The petitioner must make a good faith effort to provide notice to a family or household member of the respondent and to any third party who may be at risk of violence. Such notice must state that the petitioner intends to petition the court for an RPO or that he or she has already done so and must include referrals to appropriate resources, including mental health, domestic violence, and counseling resources. The petitioner must attest, in his or her petition for an RPO, that he or she has provided the required notice or must attest to the steps that he or she will take to provide such notice.<sup>32</sup>

Once the petition is filed, the court must order a hearing to be held within 14 days and must issue a notice of hearing to the respondent.<sup>33</sup> The clerk of court is required to forward a copy of the notice of hearing on or before the next business day to the appropriate law enforcement agency for service upon the respondent.<sup>34</sup>

<sup>27</sup> S. [397.6957\(2\), F.S.](#)

<sup>28</sup> S. [397.697\(1\)\(a\), F.S.](#)

<sup>29</sup> S. [790.401\(7\)\(a\), F.S.](#)

<sup>30</sup> See s. [790.401\(2\)\(b\) and \(j\), F.S.](#)

<sup>31</sup> S. [790.401\(2\)\(e\), F.S.](#)

<sup>32</sup> S. [790.401\(2\)\(f\), F.S.](#)

<sup>33</sup> S. [790.401\(3\)\(a\), F.S.](#)

<sup>34</sup> S. [790.401\(3\)\(a\)1, F.S.](#)

### [Temporary Ex Parte RPO](#)

A petitioner may request that a temporary ex parte RPO be issued pending a final hearing, and without notice to the respondent, by including in the petition detailed allegations based on personal knowledge that the respondent poses a significant danger of causing personal injury to himself or herself or others in the near future by having in his or her custody or control, or by purchasing, possessing, or receiving, a firearm or ammunition.<sup>35</sup>

In considering whether to issue a temporary ex parte RPO, the court can consider all relevant evidence. A temporary ex parte RPO restrains the respondent from having any firearms or ammunition in his or her custody, control, or possession and from purchasing or receiving any firearm or ammunition while the order is in effect. If a court enters a temporary ex parte RPO, it must be served upon the respondent at the same time as the notice of hearing and petition.<sup>36</sup> A temporary ex parte RPO remains in effect until the final hearing.<sup>37</sup>

### [Final RPO](#)

At the hearing on a petition for an RPO, if the court finds by clear and convincing evidence that the respondent poses a significant danger of causing personal injury to himself or herself or others by having in his or her custody or control, or by purchasing, possessing, or receiving, a firearm or any ammunition, the court must issue an RPO for a period of time the court deems appropriate, up to 12 months.<sup>38</sup>

### [Service](#)

Proper service requires the clerk of the court to furnish a copy of the notice of hearing, petition, and temporary ex parte risk protection order or final risk protection order, as applicable, to the sheriff<sup>39</sup> of the county where the respondent resides or can be found, who shall serve the order on the respondent as soon thereafter as possible on any day of the week and at any time of the day or night.

If requested by the sheriff, the clerk may transmit a facsimile copy of a temporary ex parte risk protection order or a final risk protection order that has been certified by the clerk, and this facsimile copy may be served in the same manner as a certified copy. The sheriff must verify receipt of such a facsimile copy with the clerk before attempting to serve it on the respondent.<sup>40</sup>

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## BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Criminal Justice Subcommittee</a>	15 Y, 0 N	3/6/2025	Hall	Leshko
<a href="#">Judiciary Committee</a>	22 Y, 0 N	3/26/2025	Kramer	Leshko

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<sup>35</sup> S. [790.401\(4\)\(a\), F.S.](#)

<sup>36</sup> S. [790.401\(3\)\(a\)2., F.S.](#)

<sup>37</sup> S. [790.401\(4\)\(f\), F.S.](#)

<sup>38</sup> S. [790.401\(3\)\(b\), F.S.](#)

<sup>39</sup> The chief judge of a circuit court may authorize a law enforcement agency within the jurisdiction, other than the sheriff's office, to effect service. S. [790.401\(5\)\(a\), F.S.](#)

<sup>40</sup> *Id.*