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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2025	.	
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The Appropriations Committee on Criminal and Civil Justice
(Wright) recommended the following:

Senate Amendment (with title amendment)

Delete lines 57 - 172

and insert:

within 5 working days. Within 6 business hours after the court issues an order, the clerk of the court shall electronically submit the order to the sheriff or a law enforcement agency in the county where the order is to be served ~~may be submitted electronically through existing data systems, if available.~~ The order is ~~shall be~~ valid only until the person is delivered to



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11 the facility or for the period specified in the order itself,
12 whichever comes first. If a time limit is not specified in the
13 order, the order is valid for 7 days after the date that the
14 order was signed.

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



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

43 3. A physician, a physician assistant, a clinical
44 psychologist, a psychiatric nurse, an advanced practice
45 registered nurse registered under s. 464.0123, a mental health
46 counselor, a marriage and family therapist, or a clinical social
47 worker may execute a certificate stating that he or she has
48 examined a person within the preceding 48 hours and finds that
49 the person appears to meet the criteria for involuntary
50 examination and stating the observations upon which that
51 conclusion is based. If other less restrictive means, such as
52 voluntary appearance for outpatient evaluation, are not
53 available, a law enforcement officer must ~~shall~~ take into
54 custody the person named in the certificate and deliver him or
55 her to the appropriate, or nearest, facility within the
56 designated receiving system pursuant to s. 394.462 for
57 involuntary examination. The law enforcement officer shall
58 execute a written report detailing the circumstances under which
59 the person was taken into custody and include all emergency
60 contact information required under subparagraph 2. Such
61 emergency contact information may be used by a receiving
62 facility only for the purpose of informing listed emergency
63 contacts of a patient's whereabouts pursuant to s.
64 119.0712(2)(d). The report and certificate must ~~shall~~ be made a
65 part of the patient's clinical record. Any facility accepting
66 the patient based on this certificate must send a copy of the
67 certificate to the department within 5 working days. The
68 document may be submitted electronically through existing data



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69 systems, if applicable.

70

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

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

78 397.68151 Duties of court upon filing of petition for
79 involuntary services.-

80 (3) A copy of the petition and notice of the hearing must
81 be provided to the respondent; the respondent's parent,
82 guardian, or legal custodian, in the case of a minor; the
83 respondent's attorney, if known; the petitioner; the
84 respondent's spouse or guardian, if applicable; and such other
85 persons as the court may direct. If the respondent is a minor, a
86 copy of the petition and notice of the hearing must be
87 personally delivered to the respondent. The clerk shall also
88 issue a summons to the person whose admission is sought, and,
89 unless a circuit court's chief judge authorizes disinterested
90 private process servers to serve parties under this chapter,
91 within 6 business hours after the summons being issued, the
92 clerk of the court shall electronically submit the summons and,
93 if applicable, a copy of the petition and notice of hearing to a
94 law enforcement agency to ~~must~~ effect such service on the person
95 whose admission is sought for the initial treatment hearing.

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



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98 790.401 Risk protection orders.-

99 (3) RISK PROTECTION ORDER HEARINGS AND ISSUANCE.-

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

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

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

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

120 (5) SERVICE.-

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

124 ===== T I T L E A M E N D M E N T =====

125 And the title is amended as follows:

126 Delete lines 4 - 9



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127 and insert:
128 of the court, within a certain timeframe 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 a certain
134 timeframe after a certain