

By Senator Wright

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1 A bill to be entitled
2 An act relating to electronic transmittal of court
3 orders; amending s. 394.463, F.S.; requiring the clerk
4 of the court, within 6 hours after a court issues an
5 ex parte order for involuntary commitment, to submit
6 the order electronically to the sheriff or law
7 enforcement agency in the county where the order is to
8 be served; amending s. 397.68151, F.S.; requiring the
9 clerk of the court, within 6 hours after a certain
10 summons is issued, to submit the summons
11 electronically and, if applicable, a copy of the
12 petition for involuntary services and a notice of the
13 hearing to a law enforcement agency to effect service
14 on certain persons; amending s. 790.401, F.S.;
15 requiring the clerk of the court to transmit
16 electronically, within a certain timeframe after the
17 court issues a risk protection order and notice of
18 hearing, a copy of the order, notice of hearing,
19 petition to the appropriate law enforcement agency for
20 service upon the respondent; requiring the clerk of
21 the court to transmit electronically, within a certain
22 timeframe after the court issues a temporary ex parte
23 risk protection order or risk protection order, a copy
24 of the notice of hearing, petition, and temporary ex
25 parte risk protection order or risk protection order,
26 as applicable, to the sheriff; requiring that an
27 electronic copy of a temporary ex parte risk
28 protection order or a risk protection order be
29 certified by the clerk of the court and that the

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30 electronic copy be served in the same manner as the
31 certified copy; providing an effective date.
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33 Be It Enacted by the Legislature of the State of Florida:
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35 Section 1. Paragraph (a) of subsection (2) of section
36 394.463, Florida Statutes, is amended to read:

37 394.463 Involuntary examination.—

38 (2) INVOLUNTARY EXAMINATION.—

39 (a) An involuntary examination may be initiated by any one
40 of the following means:

41 1. A circuit or county court may enter an ex parte order
42 stating that a person appears to meet the criteria for
43 involuntary examination and specifying the findings on which
44 that conclusion is based. The ex parte order for involuntary
45 examination must be based on written or oral sworn testimony
46 that includes specific facts that support the findings. If other
47 less restrictive means are not available, such as voluntary
48 appearance for outpatient evaluation, a law enforcement officer,
49 or other designated agent of the court, must ~~shall~~ take the
50 person into custody and deliver him or her to an appropriate, or
51 the nearest, facility within the designated receiving system
52 pursuant to s. 394.462 for involuntary examination. The order of
53 the court must ~~shall~~ be made a part of the patient's clinical
54 record. A fee may not be charged for the filing of an order
55 under this subsection. A facility accepting the patient based on
56 this order must send a copy of the order to the department
57 within 5 working days. Within 6 hours after the court issues an
58 order, the clerk of the court shall electronically submit the

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59 order to the sheriff or a law enforcement agency in the county
60 where the order is to be served ~~may be submitted electronically~~
61 ~~through existing data systems, if available.~~ The order is ~~shall~~
62 ~~be~~ valid only until the person is delivered to the facility or
63 for the period specified in the order itself, whichever comes
64 first. If a time limit is not specified in the order, the order
65 is valid for 7 days after the date that the order was signed.

66 2. A law enforcement officer may take a person who appears
67 to meet the criteria for involuntary examination into custody
68 and deliver the person or have him or her delivered to an
69 appropriate, or the nearest, facility within the designated
70 receiving system pursuant to s. 394.462 for examination. A law
71 enforcement officer transporting a person pursuant to this
72 section shall restrain the person in the least restrictive
73 manner available and appropriate under the circumstances. If
74 transporting a minor and the parent or legal guardian of the
75 minor is present, before departing, the law enforcement officer
76 must ~~shall~~ provide the parent or legal guardian of the minor
77 with the name, address, and contact information for the facility
78 within the designated receiving system to which the law
79 enforcement officer is transporting the minor, subject to any
80 safety and welfare concerns for the minor. The officer shall
81 execute a written report detailing the circumstances under which
82 the person was taken into custody, which must be made a part of
83 the patient's clinical record. The report must include all
84 emergency contact information for the person that is readily
85 accessible to the law enforcement officer, including information
86 available through electronic databases maintained by the
87 Department of Law Enforcement or by the Department of Highway

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88 Safety and Motor Vehicles. Such emergency contact information
89 may be used by a receiving facility only for the purpose of
90 informing listed emergency contacts of a patient's whereabouts
91 pursuant to s. 119.0712(2)(d). Any facility accepting the
92 patient based on this report must send a copy of the report to
93 the department within 5 working days.

94 3. A physician, a physician assistant, a clinical
95 psychologist, a psychiatric nurse, an advanced practice
96 registered nurse registered under s. 464.0123, a mental health
97 counselor, a marriage and family therapist, or a clinical social
98 worker may execute a certificate stating that he or she has
99 examined a person within the preceding 48 hours and finds that
100 the person appears to meet the criteria for involuntary
101 examination and stating the observations upon which that
102 conclusion is based. If other less restrictive means, such as
103 voluntary appearance for outpatient evaluation, are not
104 available, a law enforcement officer must ~~shall~~ take into
105 custody the person named in the certificate and deliver him or
106 her to the appropriate, or nearest, facility within the
107 designated receiving system pursuant to s. 394.462 for
108 involuntary examination. The law enforcement officer shall
109 execute a written report detailing the circumstances under which
110 the person was taken into custody and include all emergency
111 contact information required under subparagraph 2. Such
112 emergency contact information may be used by a receiving
113 facility only for the purpose of informing listed emergency
114 contacts of a patient's whereabouts pursuant to s.
115 119.0712(2)(d). The report and certificate must ~~shall~~ be made a
116 part of the patient's clinical record. Any facility accepting

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117 the patient based on this certificate must send a copy of the
118 certificate to the department within 5 working days. The
119 document may be submitted electronically through existing data
120 systems, if applicable.

121

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

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

129 397.68151 Duties of court upon filing of petition for
130 involuntary services.-

131 (3) A copy of the petition and notice of the hearing must
132 be provided to the respondent; the respondent's parent,
133 guardian, or legal custodian, in the case of a minor; the
134 respondent's attorney, if known; the petitioner; the
135 respondent's spouse or guardian, if applicable; and such other
136 persons as the court may direct. If the respondent is a minor, a
137 copy of the petition and notice of the hearing must be
138 personally delivered to the respondent. The clerk shall also
139 issue a summons to the person whose admission is sought, and,
140 unless a circuit court's chief judge authorizes disinterested
141 private process servers to serve parties under this chapter,
142 within 6 hours after the summons being issued, the clerk of the
143 court shall electronically submit the summons and, if
144 applicable, a copy of the petition and notice of hearing to a
145 law enforcement agency to ~~must~~ effect such service on the person

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146 whose admission is sought for the initial treatment hearing.

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

149 790.401 Risk protection orders.—

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

151 (a) Upon receipt of a petition, the court must order a
152 hearing to be held no later than 14 days after the date of the
153 order and must issue a notice of hearing to the respondent for
154 the same.

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

161 2. The court may, as provided in subsection (4), issue a
162 temporary ex parte risk protection order pending the hearing
163 ordered under this subsection. Such temporary ex parte order
164 must be served concurrently with the notice of hearing and
165 petition as provided in subsection (5).

166 3. The court may conduct a hearing by telephone pursuant to
167 a local court rule to reasonably accommodate a disability or
168 exceptional circumstances. The court must receive assurances of
169 the petitioner's identity before conducting a telephonic
170 hearing.

171 (5) SERVICE.—

172 (a) Within 6 hours after the court issues a temporary ex
173 parte risk protection order or risk protection order, the clerk
174 of the court shall electronically transmit ~~furnish~~ a copy of the

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175 notice of hearing, petition, and temporary ex parte risk
176 protection order or risk protection order, as applicable, to the
177 sheriff of the county where the respondent resides or can be
178 found, who shall serve it upon the respondent as soon thereafter
179 as possible on any day of the week and at any time of the day or
180 night. An electronic ~~When requested by the sheriff, the clerk of~~
181 ~~the court may transmit a facsimile~~ copy of a temporary ex parte
182 risk protection order or a risk protection order must be that
183 ~~has been~~ certified by the clerk of the court, and the electronic
184 ~~this facsimile~~ copy must ~~may~~ be served in the same manner as a
185 certified copy. Upon receiving an electronic ~~a facsimile~~ copy,
186 the sheriff must verify receipt with the sender before
187 attempting to serve it upon the respondent. The clerk of the
188 court is ~~shall be~~ responsible for furnishing to the sheriff
189 information on the respondent's physical description and
190 location. Notwithstanding any other ~~provision of~~ law to the
191 contrary, the chief judge of each circuit, in consultation with
192 the appropriate sheriff, may authorize a law enforcement agency
193 within the jurisdiction to effect service. A law enforcement
194 agency effecting service pursuant to this section shall use
195 service and verification procedures consistent with those of the
196 sheriff. Service under this section takes precedence over the
197 service of other documents, unless the other documents are of a
198 similar emergency nature.

199 (b) All orders issued, changed, continued, extended, or
200 vacated after the original service of documents specified in
201 paragraph (a) must be certified by the clerk of the court and
202 delivered to the parties at the time of the entry of the order.
203 The parties may acknowledge receipt of such order in writing on

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204 the face of the original order. If a party fails or refuses to
205 acknowledge the receipt of a certified copy of an order, the
206 clerk must ~~shall~~ note on the original order that service was
207 effected. If delivery at the hearing is not possible, the clerk
208 must ~~shall~~ mail certified copies of the order to the parties at
209 the last known address of each party. Service by mail is
210 complete upon mailing. When an order is served pursuant to this
211 subsection, the clerk shall prepare a written certification to
212 be placed in the court file specifying the time, date, and
213 method of service and shall notify the sheriff.

214 Section 4. This act shall take effect July 1, 2025.