

By the Appropriations Committee on Criminal and Civil Justice;
and 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 a certain timeframe after a court
5 issues an ex parte order for involuntary commitment,
6 to submit the order electronically to the sheriff or
7 law enforcement agency in the county where the order
8 is to be served; amending s. 397.68151, F.S.;;
9 requiring the clerk of the court, within a certain
10 timeframe after a certain summons is issued, to submit
11 the summons electronically and, if applicable, a copy
12 of the petition for involuntary services and a notice
13 of the hearing to a law enforcement agency to effect
14 service 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.
32

33 Be It Enacted by the Legislature of the State of Florida:
34

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 business hours after the court
58 issues an order, the clerk of the court shall electronically

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

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

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

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

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117 part of the patient's clinical record. Any facility accepting
118 the patient based on this certificate must send a copy of the
119 certificate to the department within 5 working days. The
120 document may be submitted electronically through existing data
121 systems, if applicable.

122

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

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

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

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

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146 law enforcement agency to ~~must~~ effect such service on the person
147 whose admission is sought for the initial treatment hearing.

148 Section 3. Paragraph (a) of subsection (3) and subsection
149 (5) of section 790.401, Florida Statutes, are amended to read:
150 790.401 Risk protection orders.—

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

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

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

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

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

172 (5) SERVICE.—

173 (a) Within 6 business hours after the court issues a
174 temporary ex parte risk protection order or risk protection

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

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

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

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