

CHAPTER 2025-10

House Bill No. 513

An act relating to electronic transmittal of court orders; amending s. 394.463, F.S.; requiring the clerk of the court, within 6 hours after a court issues an ex parte order for involuntary commitment, to submit the order electronically to the sheriff or law enforcement agency in the county where the order is to be served; amending s. 397.68151, F.S.; requiring the clerk of the court, within 6 hours after a certain summons is issued, to submit the summons electronically and, if applicable, a copy of the petition for involuntary services and a notice of the hearing to a law enforcement agency to effect service on certain persons; amending s. 790.401, F.S.; requiring the clerk of the court to transmit electronically, within a certain timeframe after the court issues a risk protection order and notice of hearing, a copy of the order, notice of hearing, petition to the appropriate law enforcement agency for service upon the respondent; requiring the clerk of the court to transmit electronically, within a certain timeframe after the court issues a temporary ex parte risk protection order or risk protection order, a copy of the notice of hearing, petition, and temporary ex parte risk protection order or risk protection order, as applicable, to the sheriff; requiring that an electronic copy of a temporary ex parte risk protection order or a risk protection order be certified by the clerk of the court and that the electronic copy be served in the same manner as the certified copy; providing an effective date.

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

Section 1. Paragraph (a) of subsection (2) of section 394.463, Florida Statutes, is amended to read:

394.463 Involuntary examination.—

(2) INVOLUNTARY EXAMINATION.—

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

1. A circuit or county court may enter an ex parte order stating that a person appears to meet the criteria for involuntary examination and specifying the findings on which that conclusion is based. The ex parte order for involuntary examination must be based on written or oral sworn testimony that includes specific facts that support the findings. If other less restrictive means are not available, such as voluntary appearance for outpatient evaluation, a law enforcement officer, or other designated agent of the court, must shall take the person into custody and deliver him or her to an appropriate, or the nearest, facility within the designated receiving system pursuant to s. 394.462 for involuntary examination. The order of the court must shall be made a part of the patient's clinical record. A fee may not

be charged for the filing of an order under this subsection. A facility accepting the patient based on this order must send a copy of the order to the department within 5 working days. Within 6 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 the facility or for the period specified in the order itself, whichever comes first. If a time limit is not specified in the order, the order is valid for 7 days after the date that the order was signed.

2. A law enforcement officer may take a person who appears to meet the criteria for involuntary examination into custody and deliver the person or have him or her delivered to an appropriate, or the nearest, facility within the designated receiving system pursuant to s. 394.462 for examination. A law enforcement officer transporting a person pursuant to this section shall restrain the person in the least restrictive manner available and appropriate under the circumstances. If transporting a minor and the parent or legal guardian of the minor is present, before departing, the law enforcement officer must ~~shall~~ provide the parent or legal guardian of the minor with the name, address, and contact information for the facility within the designated receiving system to which the law enforcement officer is transporting the minor, subject to any safety and welfare concerns for the minor. The officer shall execute a written report detailing the circumstances under which the person was taken into custody, which must be made a part of the patient's clinical record. The report must include all emergency contact information for the person that is readily accessible to the law enforcement officer, including information available through electronic databases maintained by the Department of Law Enforcement or by the Department of Highway Safety and Motor Vehicles. Such emergency contact information may be used by a receiving facility only for the purpose of informing listed emergency contacts of a patient's whereabouts pursuant to s. 119.0712(2)(d). Any facility accepting the patient based on this report must send a copy of the report to the department within 5 working days.

3. A physician, a physician assistant, a clinical psychologist, a psychiatric nurse, an advanced practice registered nurse registered under s. 464.0123, a mental health counselor, a marriage and family therapist, or a clinical social worker may execute 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 and stating the observations upon which that conclusion is based. If other less restrictive means, such as voluntary appearance for outpatient evaluation, are not available, a law enforcement officer must ~~shall~~ take into custody the person named in the certificate and deliver him or her to the appropriate, or nearest, facility within the designated receiving system pursuant to s. 394.462 for involuntary examination. The law enforcement officer shall execute a written report detailing the circumstances under which the person was taken into custody and include all emergency contact information

required under subparagraph 2. Such emergency contact information may be used by a receiving facility only for the purpose of informing listed emergency contacts of a patient’s whereabouts pursuant to s. 119.0712(2)(d). The report and certificate must shall be made a part of the patient’s clinical record. Any facility accepting the patient based on this certificate must send a copy of the certificate to the department within 5 working days. The document may be submitted electronically through existing data systems, if applicable.

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

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

397.68151 Duties of court upon filing of petition for involuntary services.

(3) A copy of the petition and notice of the hearing must be provided to the respondent; the respondent’s parent, guardian, or legal custodian, in the case of 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. If the respondent is a minor, a copy of the petition and notice of the hearing must be personally delivered to the respondent. The clerk shall also issue a summons to the person whose admission is sought, and, unless a circuit court’s chief judge authorizes disinterested private process servers to serve parties under this chapter, within 6 hours after the summons being issued, the clerk of the court shall electronically submit the summons and, if applicable, a copy of the petition and notice of hearing to a law enforcement agency to ~~must~~ effect such service on the person whose admission is sought for the initial treatment hearing.

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

790.401 Risk protection orders.—

(3) RISK PROTECTION ORDER HEARINGS AND ISSUANCE.—

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

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

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

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

(5) SERVICE.—

(a) Within 6 hours after the court issues a temporary ex parte risk protection order or risk protection order, the clerk of the court shall ~~electronically transmit~~ furnish a copy of the notice of hearing, petition, and temporary ex parte risk protection order or risk protection order, as applicable, to the sheriff of the county where the respondent resides or can be found, who shall serve it upon the respondent as soon thereafter as possible on any day of the week and at any time of the day or night. An electronic ~~When requested by the sheriff, the clerk of the court may transmit a~~ facsimile copy of a temporary ex parte risk protection order or a risk protection order must be that has been certified by the clerk of the court, and the electronic this facsimile copy must ~~may~~ be served in the same manner as a certified copy. Upon receiving an electronic a facsimile copy, the sheriff must verify receipt with the sender before attempting to serve it upon the respondent. The clerk of the court ~~is shall be~~ responsible for furnishing to the sheriff information on the respondent's physical description and location. Notwithstanding any other ~~provision of~~ law to the contrary, the chief judge of each circuit, in consultation with the appropriate sheriff, may authorize a law enforcement agency within the jurisdiction to effect service. A law enforcement agency effecting service pursuant to this section shall use service and verification procedures consistent with those of the sheriff. Service under this section takes precedence over the service of other documents, unless the other documents are of a similar emergency nature.

(b) All orders issued, changed, continued, extended, or vacated after the original service of documents specified in paragraph (a) must be certified by the clerk of the court and delivered to the parties at the time of the entry of the order. The parties may acknowledge receipt of such order in writing on the face of the original order. If a party fails or refuses to acknowledge the receipt of a certified copy of an order, the clerk must shall note on the original order that service was effected. If delivery at the hearing is not possible, the clerk must shall mail certified copies of the order to the parties at the last known address of each party. Service by mail is complete upon mailing. When an order is served pursuant to this subsection, the clerk shall prepare a written certification to be placed in the court file specifying the time, date, and method of service and shall notify the sheriff.

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

Approved by the Governor April 18, 2025.

Filed in Office Secretary of State April 18, 2025.