

IN THE CIRCUIT COURT OF THE 16TH
JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA, IN AND FOR MONROE COUNTY

ADMINISTRATIVE ORDER: 6.011

IN RE:

PROCEEDINGS TO PROHIBIT
PURCHASE OF FIREARMS BY
THE MENTALLY ILL

_____:

WHEREAS, the Florida Legislature has enacted HB 1355, Chapter 2013-249 Laws of Florida entitled, "An act relating to the purchase of firearms by mentally ill persons," which establishes a procedure so that certain persons voluntarily admitted for mental health treatment will be prohibited from purchasing a firearm; and

WHEREAS, Florida Statute 790.065 outlines the procedures and the timeframes required for a new matter to be brought before the Court for persons voluntarily admitted for mental health treatment; and

WHEREAS, Florida Statute 790.065 specifies that within twenty-four (24) hours of a qualifying patient's agreement to voluntary admission to a mental institution, the administrator of the receiving or treatment facility must file with the Clerk of the Circuit Court the following:

- a. The examining physician's finding that the person is an imminent danger to himself/herself or others, including a description of the person's behavior that led to the finding; and
- b. The examining physician's certification that if the patient did not agree to voluntary treatment, that a petition for involuntary outpatient or inpatient treatment would have been filed under Florida Statute 394.463(2)(i)(4), or a petition for involuntary treatment was filed and the patient subsequently agreed to voluntary treatment prior to a court hearing on the petition; and
- c. Written notice of the examining physician's finding and certification that the person received prior to agreeing to voluntary treatment, which contained a statement that the patient would be prohibited from purchasing a firearm and would not be eligible to apply for or retain a concealed weapon or firearm license under section 790.06 Florida Statutes; and
- d. The patient's written acknowledgement that he/she understands the above-described findings.

WHEREAS, the Act also requires the Clerk of Court to transmit the filing to the Court within twenty-four (24) hours and to transmit the Court's order to the Florida Department of Law Enforcement within twenty-four (24) hours of receipt of the order;

WHEREAS, per the authority of Florida Rules of Judicial Administration 2.215 and 2.514,

IT IS THEREFORE ORDERED:

1. The Clerk of the Court for Monroe County (Clerk) is directed to comply with the statutory time periods as computed in accordance with Rule of Judicial Administration 2.514. The Clerk is not required to perform any duties outlined in this Administrative Order on weekends, holidays or periods of time extended by the Chief Justice of the Florida Supreme Court.
2. When the Clerk receives a filing to exclude a voluntarily admitted patient from purchasing a firearm, the Clerk must, within twenty-four (24) hours of receipt of the filing present the filings to the appropriate judge. The twenty-four (24) hour period shall be computed as provided in Florida Rule of Judicial Administration 2.514(a)(2).
3. The judge reviewing the matter may use Attachment "A"—*Confidential Ex Parte Order Directing Entry of Record in FDLE's Database of Persons Prohibited from Purchasing Firearms* or Attachment "B"—*Confidential Ex Parte Interim Order Requiring Further Documentation on Voluntary Commitment*.
4. In the event the Clerk has not received an order from the Court within twenty-four (24) hours after submission of the filings to the judge(s) as described above, the Clerk is directed to forthwith notify the Chief Judge. The twenty-four (24) hour period shall be computed as provided in Rule of Judicial Administration 2.514(a)(2).
5. If the Court orders that the record be submitted to the Florida Department of Law Enforcement, the Clerk must submit it to the FDLE within twenty-four (24) hours of receipt of the order from the Court. The twenty-four (24) hour period shall be computed as provided in Rule of Judicial Administration 2.514(a)(2).
6. The Clerk is hereby directed to
 - a. Develop a new case type or docket code for these submissions;
 - b. Track the number of submissions made under this Act; and
 - c. Report any problems with these procedures to the Chief Judge
7. Nothing in this Administrative Order modifies the procedures for reporting involuntary admissions to mental institutions and the resulting prohibition on purchasing firearms by such persons.

DONE AND ORDERED, at Plantation Key, Monroe County, Florida, this 27 day of February, 2014.

2014 FEB 11 PM 2:51

FILED FOR RECORD

Honorable Luis Garcia
Chief Judge

IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT,
IN AND FOR MONROE COUNTY, FLORIDA

IN RE:

CASE NO.:

_____/

**CONFIDENTIAL EX PARTE ORDER DIRECTING ENTRY OF RECORD IN FDLE'S
DATABASE OF PERSONS PROHIBITED FROM PURCHASING FIREARMS**

THIS CAUSE came before the Court on _____ to determine if _____, may be prohibited from purchasing a firearm because of his/her voluntary admission to a mental institution for outpatient or inpatient treatment after an involuntary examination under section 394.463, Florida Statutes.

The Court, having reviewed the following records:

_____ The examining physician's finding that the person is an imminent danger to himself/herself or others;

_____ The examining physician's certification that:

_____ If the person did not agree to voluntary treatment that a petition for involuntary outpatient or inpatient treatment would have been filed under section 394.463(2)(i)4, OR

_____ A petition for involuntary treatment was filed and the person subsequently agreed to voluntary treatment prior to a court hearing on the petition.

_____ The written notice of examining physician's finding and certification that the person received prior to agreeing to voluntary treatment, and which contained a statement that he/she would be prohibited from purchasing a firearm and would not be eligible to apply for or retain a concealed weapon or firearm license under section 790.06; and

_____ 's written acknowledgement that he/she understands the above-described finding, certification and notice;

FINDS the record supports the classification of _____ as an imminent danger to himself/herself or others and hereby **ORDERS** that such record be submitted to the Florida Department of Law Enforcement in accord with Section 790.065, Florida Statutes. The Clerk of Court is **DIRECTED** to forward the record and this Order to the Florida Department of Law Enforcement within 24 hours of the entry of this Order.

DONE AND ORDERED in _____, Monroe County, Florida, this _____ day of _____, 20_____.

Circuit Judge

Copies furnished to:
Receiving or Treatment Facility Administrator
Name of Patient

Attachment "A"

IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT,
IN AND FOR MONROE COUNTY, FLORIDA

IN RE:

CASE NO.:

_____ /

**CONFIDENTIAL EX PARTE INTERIM ORDER REQUIRING FURTHER DOCUMENTATION
ON VOLUNTARY COMMITMENT**

THIS CAUSE came before the Court on _____ to determine if _____, may be prohibited from purchasing a firearm because of his/her voluntary admission to a mental institution for outpatient or inpatient treatment after an involuntary examination under section 394.463, Florida Statutes.

The Court, having reviewed the following records, **FINDS** as follows:

_____ The examining physician's finding that the person is an imminent danger to himself/herself or others is missing;

_____ The examining physician's finding that the person is an imminent danger to himself/herself or others lacks a description of the person's behavior that resulted in such a finding and must be supplemented;

_____ The examining physician's certification that if the person did not agree to voluntary treatment that a petition for involuntary outpatient or inpatient treatment would have been filed under section 394.463(2)(i)4, Florida Statutes, OR a petition for involuntary treatment was filed and the person subsequently agreed to voluntary treatment prior to a court hearing on the petition is missing;

_____ The written notice of the examining physician's findings and certification that the person received prior to agreeing to voluntary treatment, and which contained a statement that the person would be prohibited from purchasing a firearm and would not be eligible to apply for or retain a concealed weapon or firearm license under 790.06 is missing;

_____ 's written acknowledgment that he/she understands the above-described finding, certification and notice is missing;

_____ 's written acknowledgment that he/she understands that above-described finding, certification and notice contains the notation that the acknowledgment was refused;

_____ Other: _____

Based on the incomplete record presented to the Court by the examining physician, the Court cannot at this time, find that _____ 's voluntary commitment procedure met the requirements of Section 790.065, Florida Statutes, so as to require that he/she be prohibited from purchasing a firearm or that his/her name be added to the FDLE's Mental Competency (MECOM) database. It is therefore,

ORDERED that the examining physician file with this Court adequate documentation of this voluntary commitment procedure within three (3) days. The Court reserves jurisdiction to enter further orders in this matter. It is further

ORDERED that a failure to timely file the documentation requested will result in:

1. A dismissal of the matter with prejudice, without further order of this Court;

2. The person's record will ne be submitted to the FDLE database; and
3. The person will not be precluded from purchasing a firearm because of a voluntary admission to a mental institution.

DONE AND ORDERED in _____, Monroe County, Florida, this _____ day
of _____, 20_____.

Circuit Judge

Copies furnished to:
Receiving or Treatment Facility Administrator
Name of Patient

CLERK CIR. CT.
MONROE COUNTY, FL

2014 FEB 11 PM 2:51

Attachment "B" FILED FOR RECORD