

By Senator Latvala

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1                   A bill to be entitled  
 2           An act relating to substance abuse treatment services;  
 3           providing a short title; amending s. 28.241, F.S.;  
 4           revising the filing fee for involuntary admissions  
 5           proceedings for substance abuse treatment; providing  
 6           for the distribution of proceeds from the fee;  
 7           amending ss. 397.6772, 397.6773, 397.6797, and  
 8           397.6798, F.S.; increasing the period allowed for  
 9           assessment of a person following involuntary custody  
 10          or admission to a hospital or other facility;  
 11          conforming provisions; amending s. 397.754, F.S.;  
 12          specifying requirements for initial processing of  
 13          inmates by the Department of Corrections for substance  
 14          abuse needs; providing that, to the fullest extent  
 15          practicable, inmates be given the choice between  
 16          faith-based and nonfaith-based substance abuse  
 17          programs; providing an effective date.

18  
 19 Be It Enacted by the Legislature of the State of Florida:

20  
 21           Section 1. This act may be cited as "The Jennifer Act."

22           Section 2. Paragraph (a) of subsection (1) of section  
 23 28.241, Florida Statutes, is amended to read:

24           28.241 Filing fees for trial and appellate proceedings.—

25           (1) (a) 1.a. Except as provided in sub-subparagraphs ~~sub-~~  
 26 ~~subparagraph~~ b. and d. and subparagraph 2., the party  
 27 instituting a ~~any~~ civil action, suit, or proceeding in the  
 28 circuit court shall pay to the clerk of that court a filing fee  
 29 of up to \$395 in all cases in which there are up to ~~not more~~

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30 ~~than~~ five defendants and an additional filing fee of up to \$2.50  
31 for each defendant in excess of five. Of the first \$280 in  
32 filing fees, \$80 shall ~~must~~ be remitted by the clerk to the  
33 Department of Revenue for deposit into the General Revenue Fund,  
34 \$195 shall ~~must~~ be remitted to the Department of Revenue for  
35 deposit into the State Courts Revenue Trust Fund, \$3.50 shall  
36 ~~must~~ be remitted to the Department of Revenue for deposit into  
37 the Clerks of the Court Trust Fund within the Justice  
38 Administrative Commission and used to fund the Florida Clerks of  
39 Court Operations Corporation created in s. 28.35, and \$1.50  
40 shall be remitted to the Department of Revenue for deposit into  
41 the Administrative Trust Fund within the Department of Financial  
42 Services to fund clerk budget reviews conducted by the  
43 Department of Financial Services. One third of the ~~any~~ filing  
44 fees collected by the clerk of the circuit court in excess of  
45 \$100 shall be remitted to the Department of Revenue for deposit  
46 into the Clerks of the Court Trust Fund within the Justice  
47 Administrative Commission.

48 b. The party instituting any civil action, suit, or  
49 proceeding in the circuit court under chapter 39, chapter 61,  
50 chapter 741, chapter 742, chapter 747, chapter 752, or chapter  
51 753 shall pay to the clerk of that court a filing fee of up to  
52 \$295 in all cases in which there are up to ~~not more than~~ five  
53 defendants and an additional filing fee of up to \$2.50 for each  
54 defendant in excess of five. Of the first \$180 in filing fees,  
55 \$80 shall ~~must~~ be remitted by the clerk to the Department of  
56 Revenue for deposit into the General Revenue Fund, \$95 shall  
57 ~~must~~ be remitted to the Department of Revenue for deposit into  
58 the State Courts Revenue Trust Fund, \$3.50 shall ~~must~~ be

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59 remitted to the Department of Revenue for deposit into the  
60 Clerks of the Court Trust Fund within the Justice Administrative  
61 Commission and used to fund the Florida Clerks of Court  
62 Operations Corporation created in s. 28.35, and \$1.50 shall be  
63 remitted to the Department of Revenue for deposit into the  
64 Administrative Trust Fund within the Department of Financial  
65 Services to fund clerk budget reviews conducted by the  
66 Department of Financial Services.

67 c. An additional filing fee of \$4 shall be paid to the  
68 clerk, of which the clerk shall remit \$3.50 to the Department  
69 of Revenue for deposit into the Court Education Trust Fund and  
70 ~~shall remit~~ 50 cents to the Department of Revenue for deposit  
71 into the Clerks of the Court Trust Fund within the Justice  
72 Administrative Commission to fund clerk education. An additional  
73 filing fee of up to \$18 shall be paid by the party seeking each  
74 severance that is granted. The clerk may impose an additional  
75 filing fee of up to \$85 for all proceedings of garnishment,  
76 attachment, replevin, and distress. Postal charges incurred by  
77 the clerk ~~of the circuit court~~ in making service by certified or  
78 registered mail on defendants or other parties shall be paid by  
79 the party at whose instance service is made. ~~No~~ Additional fees,  
80 charges, or costs may not ~~shall~~ be added to the filing fees  
81 imposed under this section, except as authorized in this section  
82 or by general law.

83 d. The party instituting a civil action, suit, or  
84 proceeding in the circuit court under part V of chapter 397  
85 shall pay to the clerk of that court a filing fee of up to \$195  
86 in all cases in which there are up to five defendants and an  
87 additional filing fee of up to \$2.50 for each defendant in

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88 excess of five. The first \$90 in filing fees shall be remitted  
89 to the Department of Revenue for deposit into the State Courts  
90 Revenue Trust Fund, \$3.50 shall be remitted to the Department of  
91 Revenue for deposit into the Clerks of the Court Trust Fund  
92 within the Justice Administrative Commission and used to fund  
93 the Florida Clerks of Court Operations Corporation created in s.  
94 28.35, and \$1.50 shall be remitted to the Department of Revenue  
95 for deposit into the Administrative Trust Fund within the  
96 Department of Financial Services to fund clerk budget reviews  
97 conducted by the Department of Financial Services.

98 ~~2.a.~~ Notwithstanding the fees prescribed in subparagraph  
99 1., a party instituting a civil action in circuit court relating  
100 to real property or mortgage foreclosure must ~~shall~~ pay a  
101 graduated filing fee based on the value of the claim.

102 ~~a.b.~~ The A party shall estimate in writing the amount of  
103 the claim in controversy ~~of the claim~~ upon filing the action.  
104 For purposes of this subparagraph, the value of a mortgage  
105 foreclosure action is based upon the principal due on the note  
106 secured by the mortgage, plus interest owed on the note and any  
107 moneys advanced by the lender for property taxes, insurance, and  
108 other advances secured by the mortgage, at the time of filing  
109 the foreclosure. The value ~~shall~~ also includes ~~include~~ the value  
110 of any tax certificates related to the property. In stating the  
111 value of a mortgage foreclosure claim, the a party shall declare  
112 in writing the total value of the claim, as well as the  
113 individual elements of the value as prescribed in this sub-  
114 subparagraph.

115 ~~b.e.~~ In its order providing for the final disposition of  
116 the matter, the court shall identify the actual value of the

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117 claim. The clerk shall adjust the filing fee if there is a  
118 difference between the estimated amount in controversy and the  
119 actual value of the claim and collect any additional filing fee  
120 owed or provide a refund of excess filing fee paid.

121 ~~c.d.~~ The party shall pay a filing fee of:

122 (I) Three hundred and ninety-five dollars in all cases in  
123 which the value of the claim is \$50,000 or less and ~~in which~~  
124 there are not more than five defendants. The party shall pay an  
125 additional filing fee of up to \$2.50 for each defendant in  
126 excess of five. Of the first \$280 in filing fees, \$80 shall ~~must~~  
127 be remitted by the clerk to the Department of Revenue for  
128 deposit into the General Revenue Fund, \$195 shall ~~must~~ be  
129 remitted to the Department of Revenue for deposit into the State  
130 Courts Revenue Trust Fund, \$3.50 shall ~~must~~ be remitted to the  
131 Department of Revenue for deposit into the Clerks of the Court  
132 Trust Fund within the Justice Administrative Commission and used  
133 to fund the Florida Clerks of Court Operations Corporation  
134 created in s. 28.35, and \$1.50 shall be remitted to the  
135 Department of Revenue for deposit into the Administrative Trust  
136 Fund within the Department of Financial Services to fund clerk  
137 budget reviews conducted by the Department of Financial  
138 Services;

139 (II) Nine hundred dollars in all cases in which the value  
140 of the claim is more than \$50,000 but less than \$250,000 and ~~in~~  
141 ~~which~~ there are not more than five defendants. The party shall  
142 pay an additional filing fee of up to \$2.50 for each defendant  
143 in excess of five. Of the first \$785 in filing fees, \$80 shall  
144 ~~must~~ be remitted by the clerk to the Department of Revenue for  
145 deposit into the General Revenue Fund, \$700 shall ~~must~~ be

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146 remitted to the Department of Revenue for deposit into the State  
147 Courts Revenue Trust Fund, \$3.50 shall ~~must~~ be remitted to the  
148 Department of Revenue for deposit into the Clerks of the Court  
149 Trust Fund within the Justice Administrative Commission and used  
150 to fund the Florida Clerks of Court Operations Corporation  
151 described in s. 28.35, and \$1.50 shall be remitted to the  
152 Department of Revenue for deposit into the Administrative Trust  
153 Fund within the Department of Financial Services to fund clerk  
154 budget reviews conducted by the Department of Financial  
155 Services; or

156 (III) One thousand nine hundred dollars in all cases in  
157 which the value of the claim is \$250,000 or more and ~~in which~~  
158 there are not more than five defendants. The party shall pay an  
159 additional filing fee of up to \$2.50 for each defendant in  
160 excess of five. Of the first \$1,785 in filing fees, \$80 shall  
161 ~~must~~ be remitted by the clerk to the Department of Revenue for  
162 deposit into the General Revenue Fund, \$1,700 shall ~~must~~ be  
163 remitted to the Department of Revenue for deposit into the State  
164 Courts Revenue Trust Fund, \$3.50 shall ~~must~~ be remitted to the  
165 Department of Revenue for deposit into the Clerks of the Court  
166 Trust Fund within the Justice Administrative Commission to fund  
167 the Florida Clerks of Court Operations Corporation created in s.  
168 28.35, and \$1.50 shall be remitted to the Department of Revenue  
169 for deposit into the Administrative Trust Fund within the  
170 Department of Financial Services to fund clerk budget reviews  
171 conducted by the Department of Financial Services.

172 ~~d.e.~~ An additional filing fee of \$4 shall be paid to the  
173 clerk, of which, the clerk shall remit \$3.50 to the Department  
174 of Revenue for deposit into the Court Education Trust Fund and

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175 ~~shall remit~~ 50 cents to the Department of Revenue for deposit  
176 into the Clerks of the Court Trust Fund within the Justice  
177 Administrative Commission to fund clerk education. An additional  
178 filing fee of up to \$18 shall be paid by the party seeking each  
179 severance that is granted. The clerk may impose an additional  
180 filing fee of up to \$85 for all proceedings of garnishment,  
181 attachment, replevin, and distress. Postal charges incurred by  
182 the clerk ~~of the circuit court~~ in making service by certified or  
183 registered mail on defendants or other parties shall be paid by  
184 the party at whose instance service is made. ~~No~~ Additional fees,  
185 charges, or costs may not ~~shall~~ be added to the filing fees  
186 imposed under this section, except as authorized in this section  
187 or by general law.

188 Section 3. Subsection (1) of section 397.6772, Florida  
189 Statutes, is amended to read:

190 397.6772 Protective custody without consent.—

191 (1) If a person in circumstances that ~~which~~ justify  
192 protective custody as described in s. 397.677 fails or refuses  
193 to consent to assistance and a law enforcement officer has  
194 determined that a hospital or a licensed detoxification or  
195 addictions receiving facility is the most appropriate place for  
196 the person, the officer may, after giving due consideration to  
197 the expressed wishes of the person:

198 (a) Take the person to a hospital or to a licensed  
199 detoxification or addictions receiving facility against the  
200 person's will but without using unreasonable force; or

201 (b) In the case of an adult, detain the person for his or  
202 her own protection in a ~~any~~ municipal or county jail or other  
203 appropriate detention facility.

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204  
205 Such detention is not to be considered an arrest for any  
206 purpose, and no entry or other record may be made to indicate  
207 that the person has been detained or charged with any crime. The  
208 officer in charge of the detention facility must notify the  
209 nearest appropriate licensed service provider within the first 8  
210 hours after detention that the person has been detained. ~~It is~~  
211 ~~the duty of~~ The detention facility must ~~to~~ arrange, as  
212 necessary, for transportation of the person to an appropriate  
213 licensed service provider with an available bed. Persons taken  
214 into protective custody must be assessed by the attending  
215 physician within the 5-day ~~72-hour~~ period and without  
216 unnecessary delay, to determine the need for further services.

217 Section 4. Section 397.6773, Florida Statutes, is amended  
218 to read:

219 397.6773 Dispositional alternatives after protective  
220 custody.—

221 (1) An individual who is in protective custody must be  
222 released by a qualified professional if ~~when~~:

223 (a) The individual no longer meets the involuntary  
224 admission criteria in s. 397.675(1);

225 (b) The 5-day ~~72-hour~~ period has elapsed; or

226 (c) The individual has consented to remain voluntarily at  
227 the licensed service provider.

228 (2) An individual may ~~only~~ be retained in protective  
229 custody beyond the 5-day ~~72-hour~~ period only if ~~when~~ a petition  
230 for involuntary assessment or treatment has been initiated. The  
231 timely filing of the petition authorizes the service provider to  
232 retain physical custody of the individual pending further order



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233 of the court.

234 Section 5. Section 397.6797, Florida Statutes, is amended  
235 to read:

236 397.6797 Dispositional alternatives after emergency  
237 admission.—Within 5 days ~~72 hours~~ after an emergency admission  
238 to a hospital, ~~or~~ a licensed detoxification or addictions  
239 receiving facility, or ~~the individual must be assessed by the~~  
240 ~~attending physician to determine the need for further services.~~  
241 ~~Within 5 days after an emergency admission to~~ a nonresidential  
242 component of a licensed service provider, the individual must be  
243 assessed by a qualified professional to determine the need for  
244 further services. Based upon that assessment, a qualified  
245 professional of the hospital, detoxification facility, or  
246 addictions receiving facility, or a qualified professional if a  
247 less restrictive component was used, must ~~either~~:

248 (1) Release the individual and, if ~~where~~ appropriate, refer  
249 the individual to other needed services; or

250 (2) Retain the individual if ~~when~~:

251 (a) The individual has consented to remain voluntarily at  
252 the licensed provider; or

253 (b) A petition for involuntary assessment or treatment has  
254 been initiated, the timely filing of which authorizes the  
255 service provider to retain physical custody of the individual  
256 pending further order of the court.

257 Section 6. Subsection (1) of section 397.6798, Florida  
258 Statutes, is amended to read:

259 397.6798 Alternative involuntary assessment procedure for  
260 minors.—

261 (1) In addition to protective custody, emergency admission,

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262 and involuntary assessment and stabilization, an addictions  
263 receiving facility may admit a minor for involuntary assessment  
264 and stabilization upon the filing of an application to an  
265 addictions receiving facility by the minor's parent, guardian,  
266 or legal custodian. The application must establish the need for  
267 involuntary assessment and stabilization based on the criteria  
268 for involuntary admission in s. 397.675. Within 5 days ~~72 hours~~  
269 after involuntary admission of a minor, the minor must be  
270 assessed to determine the need for further services. Assessments  
271 must be performed by a qualified professional. If, after the 5-  
272 day ~~72-hour~~ period, it is determined by the attending physician  
273 that further services are necessary, the minor may be kept for a  
274 period of up to 5 days, inclusive of the 5-day ~~72-hour~~ period.

275 Section 7. Subsections (1) and (2) of section 397.754,  
276 Florida Statutes, are amended to read:

277 397.754 Duties and responsibilities of the Department of  
278 Corrections.—The Department of Corrections shall:

279 (1) To the fullest extent possible, provide inmates upon  
280 arrival at a department of Corrections reception center for  
281 initial processing with an assessment of substance abuse service  
282 needs, including drug testing and mental, physical, and  
283 emotional assessment by qualified professionals.

284 (2) Provide inmates who are admitted to inmate substance  
285 abuse services with an individualized treatment plan that which  
286 is developed on the basis of assessed need for services and that  
287 which includes measurable goals and specifies the types of  
288 services needed to meet those goals. In areas where both faith-  
289 based and nonfaith-based drug programs are available, and to the  
290 fullest extent practicable, each inmate must be given the choice

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291 of a faith-based or nonfaith-based program for rehabilitation  
292 and drug treatment.

293 Section 8. This act shall take effect July 1, 2012.