

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 the 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) Filing fees are due at the time a party files a
 26 pleading to initiate a proceeding or files a pleading for
 27 relief. Reopen fees are due at the time a party files a pleading
 28 to reopen a proceeding if at least 90 days have elapsed since

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29 | the filing of a final order or final judgment with the clerk. If
 30 | a fee is not paid upon the filing of the pleading as required
 31 | under this section, the clerk shall pursue collection of the fee
 32 | pursuant to s. 28.246.

33 | (a)1.a. Except as provided in sub-subparagraphs ~~sub-~~
 34 | ~~subparagraph~~ b. and d. and subparagraph 2., the party
 35 | instituting a ~~any~~ civil action, suit, or proceeding in the
 36 | circuit court shall pay to the clerk of that court a filing fee
 37 | not to exceed ~~of up to~~ \$395 in all cases in which there are up
 38 | to ~~not more than~~ five defendants and an additional filing fee of
 39 | up to \$2.50 for each defendant in excess of five. Of the first
 40 | \$280 in filing fees, \$80 shall ~~must~~ be remitted by the clerk to
 41 | the Department of Revenue for deposit into the General Revenue
 42 | Fund, \$195 shall ~~must~~ be remitted to the Department of Revenue
 43 | for deposit into the State Courts Revenue Trust Fund, \$3.50
 44 | shall ~~must~~ be remitted to the Department of Revenue for deposit
 45 | into the Clerks of the Court Trust Fund within the Justice
 46 | Administrative Commission and used to fund the Florida Clerks of
 47 | Court Operations Corporation created in s. 28.35, and \$1.50
 48 | shall ~~must~~ be remitted to the Department of Revenue for deposit
 49 | into the Administrative Trust Fund within the Department of
 50 | Financial Services to fund clerk budget reviews conducted by the
 51 | Department of Financial Services. One third of the ~~any~~ filing
 52 | fees collected by the clerk of the circuit court in excess of
 53 | \$100 shall ~~must~~ be remitted to the Department of Revenue for
 54 | deposit into the Clerks of the Court Trust Fund within the
 55 | Justice Administrative Commission.

56 | b. The party instituting any civil action, suit, or

57 proceeding in the circuit court under chapter 39, chapter 61,
 58 chapter 741, chapter 742, chapter 747, chapter 752, or chapter
 59 753 shall pay to the clerk of that court a filing fee of up to
 60 \$295 in all cases in which there are up to ~~not more than~~ five
 61 defendants and an additional filing fee of up to \$2.50 for each
 62 defendant in excess of five. Of the first \$180 in filing fees,
 63 \$80 shall ~~must~~ be remitted by the clerk to the Department of
 64 Revenue for deposit into the General Revenue Fund, \$95 shall
 65 ~~must~~ be remitted to the Department of Revenue for deposit into
 66 the State Courts Revenue Trust Fund, \$3.50 shall ~~must~~ be
 67 remitted to the Department of Revenue for deposit into the
 68 Clerks of the Court Trust Fund within the Justice Administrative
 69 Commission and used to fund the Florida Clerks of Court
 70 Operations Corporation created in s. 28.35, and \$1.50 shall ~~must~~
 71 be remitted to the Department of Revenue for deposit into the
 72 Administrative Trust Fund within the Department of Financial
 73 Services to fund clerk budget reviews conducted by the
 74 Department of Financial Services.

75 c. An additional filing fee of \$4 shall be paid to the
 76 clerk. The clerk shall remit \$3.50 to the Department of Revenue
 77 for deposit into the Court Education Trust Fund and ~~shall remit~~
 78 50 cents to the Department of Revenue for deposit into the
 79 Clerks of the Court Trust Fund within the Justice Administrative
 80 Commission to fund clerk education. An additional filing fee of
 81 up to \$18 shall be paid by the party seeking each severance that
 82 is granted. The clerk may impose an additional filing fee of up
 83 to \$85 for all proceedings of garnishment, attachment, replevin,
 84 and distress. Postal charges incurred by the clerk ~~of the~~

85 ~~ircuit court~~ in making service by certified or registered mail
 86 on defendants or other parties shall be paid by the party at
 87 whose instance service is made. Additional fees, charges, or
 88 costs may not be added to the filing fees imposed under this
 89 section, except as authorized in this section or by general law.

90 d. The party instituting a civil action, suit, or
 91 proceeding in the circuit court under part V of chapter 397
 92 shall pay to the clerk of that court a filing fee not to exceed
 93 \$195 in all cases in which there are up to five defendants and
 94 an additional filing fee of up to \$2.50 for each defendant in
 95 excess of five. The first \$90 in filing fees shall be remitted
 96 to the Department of Revenue for deposit into the State Courts
 97 Revenue Trust Fund, \$3.50 shall be remitted to the Department of
 98 Revenue for deposit into the Clerks of the Court Trust Fund
 99 within the Justice Administrative Commission and used to fund
 100 the Florida Clerks of Court Operations Corporation created in s.
 101 28.35, and \$1.50 shall be remitted to the Department of Revenue
 102 for deposit into the Administrative Trust Fund within the
 103 Department of Financial Services to fund clerk budget reviews
 104 conducted by the Department of Financial Services.

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

109 ~~a.b.~~ The A party shall estimate in writing the amount of
 110 the claim in controversy ~~of the claim~~ upon filing the action.
 111 For purposes of this subparagraph, the value of a mortgage
 112 foreclosure action is based upon the principal due on the note

113 secured by the mortgage, plus interest owed on the note and any
 114 moneys advanced by the lender for property taxes, insurance, and
 115 other advances secured by the mortgage, at the time of filing
 116 the foreclosure. The value ~~shall~~ also includes ~~include~~ the value
 117 of any tax certificates related to the property. In stating the
 118 value of a mortgage foreclosure claim, the ~~a~~ party shall declare
 119 in writing the total value of the claim, as well as the
 120 individual elements of the value as prescribed in this sub-
 121 subparagraph.

122 ~~b.e.~~ In its order providing for the final disposition of
 123 the matter, the court shall identify the actual value of the
 124 claim. The clerk shall adjust the filing fee if there is a
 125 difference between the estimated amount in controversy and the
 126 actual value of the claim and collect any additional filing fee
 127 owed or provide a refund of excess filing fee paid.

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

129 (I) Three hundred and ninety-five dollars in all cases in
 130 which the value of the claim is \$50,000 or less and in which
 131 there are not more than five defendants. The party shall pay an
 132 additional filing fee of up to \$2.50 for each defendant in
 133 excess of five. Of the first \$280 in filing fees, \$275 shall
 134 ~~must~~ be remitted by the clerk to the Department of Revenue for
 135 deposit into the General Revenue Fund, \$3.50 shall ~~must~~ be
 136 remitted to the Department of Revenue for deposit into the
 137 Clerks of the Court Trust Fund within the Justice Administrative
 138 Commission and used to fund the Florida Clerks of Court
 139 Operations Corporation created in s. 28.35, and \$1.50 shall ~~must~~
 140 be remitted to the Department of Revenue for deposit into the

141 Administrative Trust Fund within the Department of Financial
 142 Services to fund clerk budget reviews conducted by the
 143 Department of Financial Services;

144 (II) Nine hundred dollars in all cases in which the value
 145 of the claim is more than \$50,000 but less than \$250,000 and ~~in~~
 146 ~~which~~ there are not more than five defendants. The party shall
 147 pay an additional filing fee of up to \$2.50 for each defendant
 148 in excess of five. Of the first \$785 in filing fees, \$780 shall
 149 ~~must~~ be remitted by the clerk to the Department of Revenue for
 150 deposit into the General Revenue Fund, \$3.50 shall ~~must~~ be
 151 remitted to the Department of Revenue for deposit into the
 152 Clerks of the Court Trust Fund within the Justice Administrative
 153 Commission and used to fund the Florida Clerks of Court
 154 Operations Corporation described in s. 28.35, and \$1.50 shall
 155 ~~must~~ be remitted to the Department of Revenue for deposit into
 156 the Administrative Trust Fund within the Department of Financial
 157 Services to fund clerk budget reviews conducted by the
 158 Department of Financial Services; or

159 (III) One thousand nine hundred dollars in all cases in
 160 which the value of the claim is \$250,000 or more and ~~in which~~
 161 there are not more than five defendants. The party shall pay an
 162 additional filing fee of up to \$2.50 for each defendant in
 163 excess of five. Of the first \$1,785 in filing fees, \$1,010 shall
 164 ~~must~~ be remitted by the clerk to the Department of Revenue for
 165 deposit into the General Revenue Fund, \$770 shall ~~must~~ be
 166 remitted to the Department of Revenue for deposit into the State
 167 Courts Revenue Trust Fund, \$3.50 shall ~~must~~ be remitted to the
 168 Department of Revenue for deposit into the Clerks of the Court

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169 Trust Fund within the Justice Administrative Commission to fund
 170 the Florida Clerks of Court Operations Corporation created in s.
 171 28.35, and \$1.50 shall ~~must~~ be remitted to the Department of
 172 Revenue for deposit into the Administrative Trust Fund within
 173 the Department of Financial Services to fund clerk budget
 174 reviews conducted by the Department of Financial Services.

175 d.e. An additional filing fee of \$4 shall be paid to the
 176 clerk. The clerk shall remit \$3.50 to the Department of Revenue
 177 for deposit into the Court Education Trust Fund and ~~shall remit~~
 178 50 cents to the Department of Revenue for deposit into the
 179 Clerks of the Court Trust Fund within the Justice Administrative
 180 Commission to fund clerk education. An additional filing fee of
 181 up to \$18 shall be paid by the party seeking each severance that
 182 is granted. The clerk may impose an additional filing fee of up
 183 to \$85 for all proceedings of garnishment, attachment, replevin,
 184 and distress. Postal charges incurred by the clerk ~~of the~~
 185 ~~circuit court~~ in making service by certified or registered mail
 186 on defendants or other parties shall be paid by the party at
 187 whose instance service is made. Additional fees, charges, or
 188 costs may not be added to the filing fees imposed under this
 189 section, except as authorized in this section or by general law.

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

192 397.6772 Protective custody without consent.—

193 (1) If a person in circumstances that ~~which~~ justify
 194 protective custody as described in s. 397.677 fails or refuses
 195 to consent to assistance and a law enforcement officer has
 196 determined that a hospital or a licensed detoxification or

197 | addictions receiving facility is the most appropriate place for
 198 | the person, the officer may, after giving due consideration to
 199 | the expressed wishes of the person:

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

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

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

219 | Section 4. Section 397.6773, Florida Statutes, is amended
 220 | to read:

221 | 397.6773 Dispositional alternatives after protective
 222 | custody.—

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

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

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

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

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

236 Section 5. Section 397.6797, Florida Statutes, is amended
237 to read:

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

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

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

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

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

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

261 397.6798 Alternative involuntary assessment procedure for
 262 minors.—

263 (1) In addition to protective custody, emergency
 264 admission, and involuntary assessment and stabilization, an
 265 addictions receiving facility may admit a minor for involuntary
 266 assessment and stabilization upon the filing of an application
 267 to an addictions receiving facility by the minor's parent,
 268 guardian, or legal custodian. The application must establish the
 269 need for involuntary assessment and stabilization based on the
 270 criteria for involuntary admission in s. 397.675. Within 5 days
 271 ~~72 hours~~ after involuntary admission of a minor, the minor must
 272 be assessed to determine the need for further services.
 273 Assessments must be performed by a qualified professional. If,
 274 after the 5-day ~~72-hour~~ period, it is determined by the
 275 attending physician that further services are necessary, the
 276 minor may be kept for a period of up to 5 days, inclusive of the
 277 5-day ~~72-hour~~ period.

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

280 397.754 Duties and responsibilities of the Department of

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281 Corrections.—The Department of Corrections shall:

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

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

296 Section 8. This act shall take effect July 1, 2013.