

By Senator Boyd

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1 A bill to be entitled
2 An act relating to clerks of the circuit court;
3 amending s. 28.241, F.S.; revising the distribution of
4 filing fees in specified trial and appellate
5 proceedings; amending s. 28.246, F.S.; revising the
6 calculations for certain payment plans with clerks of
7 court; providing requirements for down payments for
8 such payment plans; providing that the down payment
9 does not include specified service charges; amending
10 s. 28.35, F.S.; revising the duties of the Clerks of
11 Court Operations Corporation; requiring the
12 corporation to recommend to the Legislature the costs
13 associated with clerk support for newly created county
14 court and circuit court judgeships; amending s.
15 34.041, F.S.; revising the allocation to the fine and
16 forfeiture fund of filing fees of certain claims filed
17 in county courts; amending s. 57.082, F.S.;
18 authorizing clerks of court to review the property
19 records and motor vehicle title records of applicants
20 for indigent status; requiring clerks to maintain the
21 results of such reviews with the applications and
22 provide those results to the court if an applicant
23 seeks review of the clerk's determination; providing
24 construction; amending s. 318.14, F.S.; revising the
25 minimum civil penalty for noncriminal traffic
26 infractions; amending s. 322.29, F.S.; requiring the
27 Department of Highway Safety and Motor Vehicles to
28 coordinate with the clerks of court to ensure that
29 their technology systems have the capability to

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30 reinstate driver licenses suspended for failure to pay
31 court obligations; amending s. 394.459, F.S.;
32 authorizing clerks of court to seek reimbursement from
33 the Legislature for habeas corpus petitions under
34 specified conditions; providing the method to seek
35 such reimbursement; requiring the corporation to
36 annually develop and submit to the Governor a budget
37 request for such reimbursement, not subject to change
38 by the Justice Administrative Commission, to be
39 transmitted to the Legislature; amending s. 394.463,
40 F.S.; authorizing clerks of court to seek
41 reimbursement from the Legislature for the filing of
42 orders of involuntary examination under specified
43 conditions; providing the method to seek such
44 reimbursement; requiring the corporation to annually
45 develop and submit to the Governor a budget request
46 for such reimbursement, not subject to change by the
47 Justice Administrative Commission, to be transmitted
48 to the Legislature; amending s. 394.467, F.S.;
49 authorizing clerks of court to seek reimbursement from
50 the Legislature for the filing of petitions for
51 involuntary inpatient placement; providing the method
52 to seek such reimbursement; requiring the corporation
53 to annually develop and submit to the Governor a
54 budget request for such reimbursement, not subject to
55 change by the Justice Administrative Commission, to be
56 transmitted to the Legislature; amending s. 394.917,
57 F.S.; authorizing clerks of court to seek
58 reimbursement from the Legislature for costs and fees

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59 related to appeals for persons determined to be
60 sexually violent predators; providing the method to
61 seek such reimbursement; requiring the corporation to
62 annually develop and submit to the Governor a budget
63 request for such reimbursement, not subject to change
64 by the Justice Administrative Commission, to be
65 transmitted to the Legislature; amending s. 397.6814,
66 F.S.; authorizing clerks of court to seek
67 reimbursement from the Legislature for petitions for
68 involuntary assessment and stabilization; providing
69 the method to seek such reimbursement; requiring the
70 corporation to annually develop and submit to the
71 Governor a budget request for such reimbursement, not
72 subject to change by the Justice Administrative
73 Commission, to be transmitted to the Legislature;
74 providing an effective date.

75

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

77

78 Section 1. Paragraph (a) of subsection (1) of section
79 28.241, Florida Statutes, is amended to read:

80 28.241 Filing fees for trial and appellate proceedings.—

81 (1) Filing fees are due at the time a party files a
82 pleading to initiate a proceeding or files a pleading for
83 relief. Reopen fees are due at the time a party files a pleading
84 to reopen a proceeding if at least 90 days have elapsed since
85 the filing of a final order or final judgment with the clerk. If
86 a fee is not paid upon the filing of the pleading as required
87 under this section, the clerk must ~~shall~~ pursue collection of

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88 the fee pursuant to s. 28.246.

89 (a)1.a. Except as provided in sub-subparagraph b. and
90 subparagraph 2., the party instituting any civil action, suit,
91 or proceeding in the circuit court shall pay to the clerk of
92 that court a filing fee of up to \$395 in all cases in which
93 there are not more than five defendants and an additional filing
94 fee of up to \$2.50, from which the clerk shall remit \$0.50 to
95 the Department of Revenue for deposit into the General Revenue
96 Fund, for each defendant in excess of five. Of the first \$200 in
97 filing fees, \$195 must be remitted to the Department of Revenue
98 for deposit into the State Courts Revenue Trust Fund, \$4 must be
99 remitted to the Department of Revenue for deposit into the
100 Administrative Trust Fund within the Department of Financial
101 Services and used to fund the contract with the Florida Clerks
102 of Court Operations Corporation created in s. 28.35, and \$1 must
103 be remitted to the Department of Revenue for deposit into the
104 Administrative Trust Fund within the Department of Financial
105 Services to fund audits of individual clerks' court-related
106 expenditures conducted by the Department of Financial Services.
107 By the 10th of each month, the clerk shall submit that portion
108 of the filing fees collected in the previous month which is in
109 excess of one-twelfth of the clerk's total budget to the
110 Department of Revenue for deposit into the Clerks of the Court
111 Trust Fund.

112 b. The party instituting any civil action, suit, or
113 proceeding in the circuit court under chapter 39, chapter 61,
114 chapter 741, chapter 742, chapter 747, chapter 752, or chapter
115 753 shall pay to the clerk of that court a filing fee of up to
116 \$295 in all cases in which there are not more than five

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117 defendants and an additional filing fee of up to \$2.50 for each
118 defendant in excess of five. Of the first \$100 in filing fees,
119 \$95 must be remitted to the Department of Revenue for deposit
120 into the State Courts Revenue Trust Fund, \$4 must be remitted to
121 the Department of Revenue for deposit into the Administrative
122 Trust Fund within the Department of Financial Services and used
123 to fund the contract with the Florida Clerks of Court Operations
124 Corporation created in s. 28.35, and \$1 must be remitted to the
125 Department of Revenue for deposit into the Administrative Trust
126 Fund within the Department of Financial Services to fund audits
127 of individual clerks' court-related expenditures conducted by
128 the Department of Financial Services.

129 c. An additional filing fee of \$4 must ~~shall~~ be paid to the
130 clerk. The clerk shall remit \$3.50 to the Department of Revenue
131 for deposit into the Court Education Trust Fund and shall remit
132 50 cents to the Department of Revenue for deposit into the
133 Administrative Trust Fund within the Department of Financial
134 Services to fund clerk education provided by the Florida Clerks
135 of Court Operations Corporation. An additional filing fee of up
136 to \$18 must ~~shall~~ be paid by the party seeking each severance
137 that is granted, from which the clerk shall remit \$3 to the
138 Department of Revenue for deposit into the General Revenue Fund.
139 The clerk may impose an additional filing fee of up to \$85, from
140 which the clerk shall remit \$10 to the Department of Revenue for
141 deposit into the General Revenue Fund, for all proceedings of
142 garnishment, attachment, replevin, and distress. Postal charges
143 incurred by the clerk of the circuit court in making service by
144 certified or registered mail on defendants or other parties must
145 ~~shall~~ be paid by the party at whose instance service is made.

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146 Additional fees, charges, or costs may not be added to the
147 filing fees imposed under this section, except as authorized in
148 this section or by general law.

149 2.a. Notwithstanding the fees prescribed in subparagraph
150 1., a party instituting a civil action in circuit court relating
151 to real property or mortgage foreclosure shall pay a graduated
152 filing fee based on the value of the claim.

153 b. A party shall estimate in writing the amount in
154 controversy of the claim upon filing the action. For purposes of
155 this subparagraph, the value of a mortgage foreclosure action is
156 based upon the principal due on the note secured by the
157 mortgage, plus interest owed on the note and any moneys advanced
158 by the lender for property taxes, insurance, and other advances
159 secured by the mortgage, at the time of filing the foreclosure.
160 The value must ~~shall~~ also include the value of any tax
161 certificates related to the property. In stating the value of a
162 mortgage foreclosure claim, a party shall declare in writing the
163 total value of the claim, as well as the individual elements of
164 the value as prescribed in this sub-subparagraph.

165 c. In its order providing for the final disposition of the
166 matter, the court shall identify the actual value of the claim.
167 The clerk must ~~shall~~ adjust the filing fee if there is a
168 difference between the estimated amount in controversy and the
169 actual value of the claim and collect any additional filing fee
170 owed or provide a refund of excess filing fee paid.

171 d. The party shall pay a filing fee of:

172 (I) Three hundred and ninety-five dollars in all cases in
173 which the value of the claim is \$50,000 or less and in which
174 there are not more than five defendants. The party shall pay an

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175 additional filing fee of up to \$2.50 for each defendant in
176 excess of five. Of the first \$200 in filing fees, \$195 must be
177 remitted by the clerk to the Department of Revenue for deposit
178 into the General Revenue Fund, \$4 must be remitted to the
179 Department of Revenue for deposit into the Administrative Trust
180 Fund within the Department of Financial Services and used to
181 fund the contract with the Florida Clerks of Court Operations
182 Corporation created in s. 28.35, and \$1 must be remitted to the
183 Department of Revenue for deposit into the Administrative Trust
184 Fund within the Department of Financial Services to fund audits
185 of individual clerks' court-related expenditures conducted by
186 the Department of Financial Services;

187 (II) Nine hundred dollars in all cases in which the value
188 of the claim is more than \$50,000 but less than \$250,000 and in
189 which there are not more than five defendants. The party shall
190 pay an additional filing fee of up to \$2.50 for each defendant
191 in excess of five. Of the first \$355 ~~\$705~~ in filing fees, \$350
192 ~~\$700~~ must be remitted by the clerk to the Department of Revenue
193 for deposit into the General Revenue Fund, except that the first
194 \$1.5 million in such filing fees remitted to the Department of
195 Revenue and deposited into the General Revenue Fund in fiscal
196 year 2018-2019 shall be distributed to the Miami-Dade County
197 Clerk of Court; \$4 must be remitted to the Department of Revenue
198 for deposit into the Administrative Trust Fund within the
199 Department of Financial Services and used to fund the contract
200 with the Florida Clerks of Court Operations Corporation created
201 in s. 28.35; and \$1 must be remitted to the Department of
202 Revenue for deposit into the Administrative Trust Fund within
203 the Department of Financial Services to fund audits of

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204 individual clerks' court-related expenditures conducted by the
205 Department of Financial Services; or

206 (III) One thousand nine hundred dollars in all cases in
207 which the value of the claim is \$250,000 or more and in which
208 there are not more than five defendants. The party shall pay an
209 additional filing fee of up to \$2.50 for each defendant in
210 excess of five. Of the first \$1,240 ~~\$1,705~~ in filing fees, \$465
211 ~~\$930~~ must be remitted by the clerk to the Department of Revenue
212 for deposit into the General Revenue Fund, \$770 must be remitted
213 to the Department of Revenue for deposit into the State Courts
214 Revenue Trust Fund, \$4 must be remitted to the Department of
215 Revenue for deposit into the Administrative Trust Fund within
216 the Department of Financial Services to fund the contract with
217 the Florida Clerks of Court Operations Corporation created in s.
218 28.35, and \$1 must be remitted to the Department of Revenue for
219 deposit into the Administrative Trust Fund within the Department
220 of Financial Services to fund audits of individual clerks'
221 court-related expenditures conducted by the Department of
222 Financial Services.

223 e. An additional filing fee of \$4 shall be paid to the
224 clerk. The clerk shall remit \$3.50 to the Department of Revenue
225 for deposit into the Court Education Trust Fund and shall remit
226 50 cents to the Department of Revenue for deposit into the
227 Administrative Trust Fund within the Department of Financial
228 Services to fund clerk education provided by the Florida Clerks
229 of Court Operations Corporation. An additional filing fee of up
230 to \$18 must ~~shall~~ be paid by the party seeking each severance
231 that is granted. The clerk may impose an additional filing fee
232 of up to \$85 for all proceedings of garnishment, attachment,

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233 replevin, and distress. Postal charges incurred by the clerk of
234 the circuit court in making service by certified or registered
235 mail on defendants or other parties must ~~shall~~ be paid by the
236 party at whose instance service is made. Additional fees,
237 charges, or costs may not be added to the filing fees imposed
238 under this section, except as authorized in this section or by
239 general law.

240 Section 2. Subsection (4) of section 28.246, Florida
241 Statutes, is amended to read:

242 28.246 Payment of court-related fines or other monetary
243 penalties, fees, charges, and costs; partial payments;
244 distribution of funds.—

245 (4) (a) Each clerk of the circuit court shall accept partial
246 payments for each case type for court-related fees, service
247 charges, court costs, and fines in accordance with the terms of
248 an established payment plan developed by the clerk.

249 (b) An individual seeking to defer payment of fees, service
250 charges, court costs, or fines imposed by operation of law or
251 order of the court under any provision of general law shall
252 apply to the clerk for enrollment in a payment plan. The clerk
253 shall enter into a payment plan with an individual who the court
254 determines is indigent for costs. It is the responsibility of an
255 individual who is released from incarceration and has
256 outstanding court obligations to contact the clerk within 30
257 days after release to pay fees, service charges, court costs,
258 and fines in full, or to apply for enrollment in a payment plan.
259 A monthly payment amount, calculated based upon all fees and all
260 anticipated fees, service charges, court costs, and fines, is
261 presumed to correspond to the person's ability to pay if the

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262 amount does not exceed 2 percent of the person's annual net
263 income, as defined in s. 27.52(1), divided by 12 or \$25,
264 whichever is greater. Any amount required by the clerk as down
265 payment to initially establish a payment plan may not be more
266 than 10 percent of the total amount owed or \$100, whichever is
267 less. Such amount does not include the imposition of a per month
268 service charge pursuant to s. 28.24(27)(b) or the imposition of
269 a one-time administrative processing service charge each time a
270 payment plan is established pursuant to s. 28.24(27)(c). The
271 clerk shall establish all terms of a payment plan, and the court
272 may review the reasonableness of the payment plan.

273 Section 3. Paragraph (c) of subsection (2) of section
274 28.35, Florida Statutes, is amended to read:

275 28.35 Florida Clerks of Court Operations Corporation.-

276 (2) The duties of the corporation shall include the
277 following:

278 (c) 1. Recommending to the Legislature changes in the
279 amounts and distribution of the various court-related fines,
280 fees, service charges, and costs established by law to ensure
281 reasonable and adequate funding of the clerks of the court in
282 the performance of their court-related functions.

283 2. Recommending to the Legislature the total cost
284 associated with clerk support of circuit and county judges
285 statewide, based on a formula approved by the corporation, for
286 consideration each year in which the Legislature authorizes the
287 establishment of new county court judgeships under s. 34.022 or
288 new circuit court judgeships under s. 26.031.

289 Section 4. Paragraph (c) of subsection (1) of section
290 34.041, Florida Statutes, is amended to read:

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291 34.041 Filing fees.—

292 (1)

293 (c) A party in addition to a party described in paragraph
294 (a) who files a pleading in an original civil action in the
295 county court for affirmative relief by cross-claim,
296 counterclaim, counterpetition, or third-party complaint, or who
297 files a notice of cross-appeal or notice of joinder or motion to
298 intervene as an appellant, cross-appellant, or petitioner, shall
299 pay the clerk of court a fee of \$295 if the relief sought by the
300 party under this paragraph exceeds \$2,500 but is not more than
301 \$15,000 and \$395 if the relief sought by the party under this
302 paragraph exceeds \$15,000. The clerk shall deposit ~~remit~~ the
303 fee, if the relief sought by the party under this paragraph
304 exceeds \$2,500 but is not more than \$15,000, ~~to the Department~~
305 ~~of Revenue for deposit~~ into the fine and forfeiture fund
306 established pursuant to s. 142.01 ~~General Revenue Fund~~. This fee
307 does not apply if the cross-claim, counterclaim,
308 counterpetition, or third-party complaint requires transfer of
309 the case from county to circuit court. However, the party shall
310 pay to the clerk the standard filing fee for the court to which
311 the case is to be transferred.

312 Section 5. Paragraphs (a) and (d) of subsection (2) of
313 section 57.082, Florida Statutes, are amended to read:

314 57.082 Determination of civil indigent status.—

315 (2) DETERMINATION BY THE CLERK.—The clerk of the court
316 shall determine whether an applicant seeking such designation is
317 indigent based upon the information provided in the application
318 and the criteria prescribed in this subsection.

319 (a)1. An applicant, including an applicant who is a minor

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320 or an adult tax-dependent person, is indigent if the applicant's
321 income is equal to or below 200 percent of the then-current
322 federal poverty guidelines prescribed for the size of the
323 household of the applicant by the United States Department of
324 Health and Human Services.

325 2. There is a presumption that the applicant is not
326 indigent if the applicant owns, or has equity in, any intangible
327 or tangible personal property or real property or the expectancy
328 of an interest in any such property having a net equity value of
329 \$2,500 or more, excluding the value of the person's homestead
330 and one vehicle having a net value not exceeding \$5,000.

331 3. Notwithstanding the information provided by the
332 applicant, the clerk may conduct a review of the property
333 records for the county in which the applicant resides and the
334 motor vehicle title records of this state to identify any
335 property interests of the applicant under this paragraph. The
336 clerk may evaluate and consider the results of the review in
337 making a determination under this subsection. If a review is
338 conducted, the clerk must maintain the results of the review in
339 a file with the application and provide the file to the court if
340 an applicant seeks review under subsection (4) of the clerk's
341 determination of indigent status.

342 (d) The duty of the clerk in determining whether an
343 applicant is indigent is limited to receiving the application
344 and comparing the information provided in the application to the
345 criteria prescribed in this subsection. The determination of
346 indigent status is a ministerial act of the clerk and not a
347 decision ~~may not be~~ based on further investigation, other than
348 the review authorized under this subsection, or the exercise of

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349 independent judgment by the clerk. The clerk may contract with
350 third parties to perform functions assigned to the clerk under
351 this section.

352 Section 6. Subsection (5) of section 318.14, Florida
353 Statutes, is amended to read:

354 318.14 Noncriminal traffic infractions; exception;
355 procedures.—

356 (5) Any person electing to appear before the designated
357 official or who is required so to appear is ~~shall be~~ deemed to
358 have waived his or her right to the civil penalty provisions of
359 s. 318.18. The official, after a hearing, shall make a
360 determination as to whether an infraction has been committed. If
361 the commission of an infraction has been proven, the official
362 may impose a civil penalty not to exceed \$500, but no less than
363 the amount of the civil penalty provisions of s. 318.18, except
364 that in cases involving unlawful speed in a school zone or
365 involving unlawful speed in a construction zone, the civil
366 penalty may not exceed \$1,000; or require attendance at a driver
367 improvement school, or both. If the person is required to appear
368 before the designated official pursuant to s. 318.19(1) and is
369 found to have committed the infraction, the designated official
370 must ~~shall~~ impose a civil penalty of \$1,000 in addition to any
371 other penalties and the person's driver license shall be
372 suspended for 6 months. If the person is required to appear
373 before the designated official pursuant to s. 318.19(2) and is
374 found to have committed the infraction, the designated official
375 must ~~shall~~ impose a civil penalty of \$500 in addition to any
376 other penalties and the person's driver license shall be
377 suspended for 3 months. If the official determines that no

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378 infraction has been committed, no costs or penalties shall be
379 imposed and any costs or penalties that have been paid shall be
380 returned. Moneys received from the mandatory civil penalties
381 imposed pursuant to this subsection upon persons required to
382 appear before a designated official pursuant to s. 318.19(1) or
383 (2) must ~~shall~~ be remitted to the Department of Revenue and
384 deposited into the Department of Health Emergency Medical
385 Services Trust Fund to provide financial support to certified
386 trauma centers to assure the availability and accessibility of
387 trauma services throughout this ~~the~~ state. Funds deposited into
388 the Emergency Medical Services Trust Fund under this section
389 shall be allocated as follows:

390 (a) Fifty percent shall be allocated equally among all
391 Level I, Level II, and pediatric trauma centers in recognition
392 of readiness costs for maintaining trauma services.

393 (b) Fifty percent shall be allocated among Level I, Level
394 II, and pediatric trauma centers based on each center's relative
395 volume of trauma cases as calculated using the hospital
396 discharge data collected pursuant to s. 408.061.

397 Section 7. Subsection (2) of section 322.29, Florida
398 Statutes, is amended, and subsection (3) is added to that
399 section, to read:

400 322.29 Surrender and return of license.—

401 (2) Notwithstanding subsection (1), an examination is not
402 required for the return of a license suspended under s. 318.15
403 or s. 322.245 unless an examination is otherwise required by
404 this chapter. A person applying for the return of a license
405 suspended under s. 318.15 or s. 322.245 shall ~~must~~ present to
406 the department certification from the court that he or she has

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407 complied with all obligations and penalties imposed pursuant to
408 s. 318.15 or, in the case of a suspension pursuant to s.
409 322.245, that he or she has complied with all directives of the
410 court and the requirements of s. 322.245 and shall pay to the
411 department a nonrefundable service fee of \$60, of which \$37.50
412 must ~~shall~~ be deposited into the General Revenue Fund and \$22.50
413 must ~~shall~~ be deposited into the Highway Safety Operating Trust
414 Fund. If reinstated by the clerk of the court or tax collector,
415 \$37.50 must ~~shall~~ be retained and \$22.50 must ~~shall~~ be remitted
416 to the Department of Revenue for deposit into the Highway Safety
417 Operating Trust Fund. However, the service fee is not required
418 if the person is required to pay a \$45 fee or \$75 fee under s.
419 322.21(8).

420 (3) The department shall coordinate with the clerks of
421 court, through their association, to ensure the capability
422 within their technology systems for clerks of court to reinstate
423 suspended driver licenses for failure to pay court obligations.

424 Section 8. Paragraph (d) of subsection (8) of section
425 394.459, Florida Statutes, is amended to read:

426 394.459 Rights of patients.—

427 (8) HABEAS CORPUS.—

428 (d) A ~~No~~ fee may not ~~shall~~ be charged for the filing of a
429 petition under this subsection. However, subject to legislative
430 appropriation, the clerk of the circuit court may, on a
431 quarterly basis, submit to the Justice Administrative Commission
432 a certified request for reimbursement for petitions under this
433 subsection, at the rate of \$40 per petition. The request for
434 reimbursement must be submitted in the form and manner
435 prescribed by the Justice Administrative Commission.

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436 Additionally, the Clerks of the Court Operations Corporation
437 shall develop on an annual basis a budget request for the
438 anticipated amount necessary for reimbursement. The request is
439 not subject to change by the Justice Administrative Commission,
440 and it shall be submitted to the Governor for transmittal to the
441 Legislature.

442 Section 9. Paragraph (a) of subsection (2) of section
443 394.463, Florida Statutes, is amended to read:

444 394.463 Involuntary examination.—

445 (2) INVOLUNTARY EXAMINATION.—

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

448 1. A circuit or county court may enter an ex parte order
449 stating that a person appears to meet the criteria for
450 involuntary examination and specifying the findings on which
451 that conclusion is based. The ex parte order for involuntary
452 examination must be based on written or oral sworn testimony
453 that includes specific facts that support the findings. If other
454 less restrictive means are not available, such as voluntary
455 appearance for outpatient evaluation, a law enforcement officer,
456 or other designated agent of the court, shall take the person
457 into custody and deliver him or her to an appropriate, or the
458 nearest, facility within the designated receiving system
459 pursuant to s. 394.462 for involuntary examination. The order of
460 the court shall be made a part of the patient's clinical record.
461 A fee may not be charged for the filing of an order under this
462 subsection. However, subject to legislative appropriation, the
463 clerk of the circuit court may, on a quarterly basis, submit to
464 the Justice Administrative Commission a certified request for

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465 reimbursement for orders under this subsection, at the rate of
466 \$40 per order. The request for reimbursement must be submitted
467 in the form and manner prescribed by the Justice Administrative
468 Commission. Additionally, the Clerks of the Court Operations
469 Corporation shall develop on an annual basis a budget request
470 for the anticipated amount necessary for reimbursement. The
471 request is not subject to change by the Justice Administrative
472 Commission, and it shall be submitted to the Governor for
473 transmittal to the Legislature. A facility accepting the patient
474 based on this order must send a copy of the order to the
475 department within 5 working days. The order may be submitted
476 electronically through existing data systems, if available. The
477 order shall be valid only until the person is delivered to the
478 facility or for the period specified in the order itself,
479 whichever comes first. If a time limit is not specified in the
480 order, the order is valid for 7 days after the date that the
481 order was signed.

482 2. A law enforcement officer shall take a person who
483 appears to meet the criteria for involuntary examination into
484 custody and deliver the person or have him or her delivered to
485 an appropriate, or the nearest, facility within the designated
486 receiving system pursuant to s. 394.462 for examination. The
487 officer shall execute a written report detailing the
488 circumstances under which the person was taken into custody,
489 which must be made a part of the patient's clinical record. Any
490 facility accepting the patient based on this report must send a
491 copy of the report to the department within 5 working days.

492 3. A physician, a physician assistant, a clinical
493 psychologist, a psychiatric nurse, an advanced practice

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494 registered nurse registered under s. 464.0123, a mental health
495 counselor, a marriage and family therapist, or a clinical social
496 worker may execute a certificate stating that he or she has
497 examined a person within the preceding 48 hours and finds that
498 the person appears to meet the criteria for involuntary
499 examination and stating the observations upon which that
500 conclusion is based. If other less restrictive means, such as
501 voluntary appearance for outpatient evaluation, are not
502 available, a law enforcement officer shall take into custody the
503 person named in the certificate and deliver him or her to the
504 appropriate, or nearest, facility within the designated
505 receiving system pursuant to s. 394.462 for involuntary
506 examination. The law enforcement officer shall execute a written
507 report detailing the circumstances under which the person was
508 taken into custody. The report and certificate shall be made a
509 part of the patient's clinical record. Any facility accepting
510 the patient based on this certificate must send a copy of the
511 certificate to the department within 5 working days. The
512 document may be submitted electronically through existing data
513 systems, if applicable.

514
515 When sending the order, report, or certificate to the
516 department, a facility shall, at a minimum, provide information
517 about which action was taken regarding the patient under
518 paragraph (g), which information shall also be made a part of
519 the patient's clinical record.

520 Section 10. Subsection (3) of section 394.467, Florida
521 Statutes, is amended to read:

522 394.467 Involuntary inpatient placement.—

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523 (3) PETITION FOR INVOLUNTARY INPATIENT PLACEMENT.—The
524 administrator of the facility shall file a petition for
525 involuntary inpatient placement in the court in the county where
526 the patient is located. Upon filing, the clerk of the court
527 shall provide copies to the department, the patient, the
528 patient's guardian or representative, and the state attorney and
529 public defender of the judicial circuit in which the patient is
530 located. A fee may not be charged for the filing of a petition
531 under this subsection. However, subject to legislative
532 appropriation, the clerk of the circuit court may, on a
533 quarterly basis, submit to the Justice Administrative Commission
534 a certified request for reimbursement for petitions under this
535 subsection, at the rate of \$40 per petition. The request for
536 reimbursement must be submitted in the form and manner
537 prescribed by the Justice Administrative Commission.
538 Additionally, the Clerks of the Court Operations Corporation
539 shall develop on an annual basis a budget request for the
540 anticipated amount necessary for reimbursement. The request is
541 not subject to change by the Justice Administrative Commission,
542 and it shall be submitted to the Governor for transmittal to the
543 Legislature.

544 Section 11. Subsection (3) of section 394.917, Florida
545 Statutes, is amended to read:

546 394.917 Determination; commitment procedure; mistrials;
547 housing; counsel and costs in indigent appellate cases.—

548 (3) The public defender of the circuit in which a person
549 was determined to be a sexually violent predator shall be
550 appointed to represent the person on appeal. That public
551 defender may request the public defender who handles criminal

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552 appeals for the circuit to represent the person on appeal in the
553 manner provided in s. 27.51(4). If the public defender is unable
554 to represent the person on appeal due to a conflict, the court
555 shall appoint other counsel, who shall be compensated at a rate
556 not less than that provided for appointed counsel in criminal
557 cases. Filing fees for indigent appeals under this act are
558 waived. Costs and fees related to such appeals, including the
559 amounts paid for records, transcripts, and compensation of
560 appointed counsel, shall be authorized by the trial court and
561 paid from state funds ~~that are~~ appropriated for such purposes.
562 However, subject to legislative appropriation, the clerk of the
563 circuit court may, on a quarterly basis, submit to the Justice
564 Administrative Commission a certified request for reimbursement
565 for petitions under this subsection, at the rate of \$40 per
566 petition. The request for reimbursement must be submitted in the
567 form and manner prescribed by the Justice Administrative
568 Commission. Additionally, the Clerks of the Court Operations
569 Corporation shall develop on an annual basis a budget request
570 for the anticipated amount necessary for reimbursement. The
571 request is not subject to change by the Justice Administrative
572 Commission, and it shall be submitted to the Governor for
573 transmittal to the Legislature.

574 Section 12. Section 397.6814, Florida Statutes, is amended
575 to read:

576 397.6814 Involuntary assessment and stabilization; contents
577 of petition.—A petition for involuntary assessment and
578 stabilization must contain the name of the respondent, the name
579 of the applicant or applicants, the relationship between the
580 respondent and the applicant, and the name of the respondent's

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581 attorney, if known, and must state facts to support the need for
582 involuntary assessment and stabilization, including:

583 (1) The reason for the petitioner's belief that the
584 respondent is substance abuse impaired;

585 (2) The reason for the petitioner's belief that because of
586 such impairment the respondent has lost the power of self-
587 control with respect to substance abuse; and

588 (3) (a) The reason the petitioner believes that the
589 respondent has inflicted or is likely to inflict physical harm
590 on himself or herself or others unless admitted; or

591 (b) The reason the petitioner believes that the
592 respondent's refusal to voluntarily receive care is based on
593 judgment so impaired by reason of substance abuse that the
594 respondent is incapable of appreciating his or her need for care
595 and of making a rational decision regarding that need for care.
596 If the respondent has refused to submit to an assessment, such
597 refusal must be alleged in the petition.

598
599 A fee may not be charged for the filing of a petition pursuant
600 to this section. However, subject to legislative appropriation,
601 the clerk of the circuit court may, on a quarterly basis, submit
602 to the Justice Administrative Commission a certified request for
603 reimbursement for petitions under this section, at the rate of
604 \$40 per petition. The request for reimbursement must be
605 submitted in the form and manner prescribed by the Justice
606 Administrative Commission. Additionally, the Clerks of the Court
607 Operations Corporation shall develop on an annual basis a budget
608 request for the anticipated amount necessary for reimbursement.
609 The request is not subject to change by the Justice

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610 Administrative Commission, and it shall be submitted to the
611 Governor for transmittal to the Legislature.

612 Section 13. This act shall take effect July 1, 2022.