

By the Committee on Elder Affairs & Long-Term Care and  
Representative Reddick

1                                   A bill to be entitled  
2           An act relating to mental health; directing the  
3           Department of Children and Family Services to  
4           develop cooperative agreements with local  
5           agencies for diverting from the criminal  
6           justice system to the civil mental health  
7           system certain persons with mental illness  
8           arrested for a misdemeanor; directing the Louis  
9           de la Parte Florida Mental Health Institute at  
10          the University of South Florida to report to  
11          the Legislature on cost-effective diversion  
12          strategies; directing the Department of Law  
13          Enforcement and the Department of Children and  
14          Family Services to jointly review training  
15          curricula for law enforcement officers and to  
16          recommend improvements to the Legislature;  
17          directing the Department of Children and Family  
18          Services to contract with the Louis de la Parte  
19          Florida Mental Health Institute to review court  
20          jurisdiction over persons with mental illness  
21          who are arrested for or convicted of a  
22          misdemeanor and to recommend policy changes to  
23          the Legislature; directing the district  
24          forensic coordinators in the Department of  
25          Children and Family Services to assess the  
26          provision of in-jail mental health services and  
27          report to the Legislature; directing the  
28          Department of Children and Family Services to  
29          prepare a single report by a specified date;  
30          directing the Louis de la Parte Florida Mental  
31          Health Institute to evaluate the specialized

1           mental health court in Broward County and  
2           report findings and recommendations to the  
3           Legislature; providing an appropriation;  
4           providing an effective date.

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

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8           Section 1. (1) The Department of Children and Family  
9 Services shall develop written cooperative agreements with the  
10 judicial system, the criminal justice system, and local mental  
11 health providers in each district of the Department of  
12 Children and Family Services which define strategies and  
13 community alternatives for diverting from the criminal justice  
14 system to the civil system under the Baker Act persons with  
15 mental illness who are arrested for a misdemeanor. Persons who  
16 have been convicted of a violation of chapter 794, chapter  
17 800, chapter 827, or chapter 847, Florida Statutes, or  
18 convicted of a similar offense in a foreign jurisdiction, when  
19 the victim was under 18 years of age, shall not be diverted  
20 from the criminal justice system to the mental health system  
21 under these strategies or alternatives. At a minimum, the  
22 district diversion strategies must include:

23           (a) Prebooking or postbooking interventions.

24           (b) Ways in which mental health professionals may  
25 assist law enforcement agencies with difficult mental health  
26 cases.

27           (c) Information-sharing among community entities  
28 regarding persons with mental illness who are frequently  
29 arrested for misdemeanors, in order to improve early  
30 identification and treatment of these persons.

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1       (d) Referral of misdemeanant clients to appropriate  
2 aftercare services upon release from jail or a facility that  
3 receives clients under the Baker Act.

4       (e) Provision of appropriate psychotropic medications  
5 to misdemeanant clients for a reasonable number of days  
6 following discharge from jail or a facility that receives  
7 clients under the Baker Act.

8       (f) Provision of intensive case management services to  
9 the appropriate misdemeanant clients.

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11 For the purpose of uniformity, each district must work with  
12 the central program office to develop and include an analysis  
13 of the client population and client movement, an analysis of  
14 available and unavailable resources, and, consistent with s.  
15 216.0166, Florida Statutes, the identification of key  
16 indicators that will measure the impact of these strategies on  
17 the clients and on the community systems. The department must  
18 complete the district diversion strategies, client data  
19 analysis, and identification of key indicators and submit a  
20 copy to the Louis de la Parte Florida Mental Health Institute  
21 by October 1, 1999.

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23       (2) The Louis de la Parte Florida Mental Health  
24 Institute at the University of South Florida shall review the  
25 state's district diversion strategies developed by the  
26 department, as well as cost-effective strategies being used in  
27 communities in other states, to divert misdemeanants from the  
28 criminal justice system to the mental health system. Based on  
29 this review, the institute must recommend those diversion  
30 strategies and treatment activities used by Florida or other  
31 states which have proven to be the most effective in meeting  
performance standards, including those identified pursuant to

1 s. 216.0166, Florida Statutes, with the misdemeanor  
2 population. The review must include details about the cost  
3 savings that are associated with those programs and must  
4 explain how those long-term or short-term cost savings are  
5 achieved. The institute shall submit a final report on its  
6 findings, conclusions, and recommendations to the President of  
7 the Senate and the Speaker of the House of Representatives by  
8 January 1, 2001. The report must specify what results can be  
9 expected based on the current level of resources, as well as  
10 specify additional resources that are needed to adequately  
11 serve the misdemeanor population. A preliminary report on the  
12 status of the review must be submitted to the President of the  
13 Senate and the Speaker of the House of Representatives on  
14 January 1, 2000.

15       Section 2. The Florida Department of Law Enforcement  
16 and the Department of Children and Family Services shall  
17 jointly evaluate the extent and effectiveness of current  
18 training curricula and training efforts provided by the  
19 Criminal Justice Standards and Training Commission under s.  
20 943.17, Florida Statutes, and the Department of Children and  
21 Family Services under part I of chapter 394, Florida Statutes,  
22 for law enforcement officers in identifying mental illness and  
23 shall make recommendations for improvements to the head of  
24 each department. The Florida Department of Law Enforcement and  
25 the Department of Children and Family Services shall prepare a  
26 joint report that includes the findings and recommendations by  
27 December 31, 1999.

28       Section 3. The Department of Children and Family  
29 Services, in consultation with the Office of the State Courts  
30 Administrator, shall contract with the Louis de la Parte  
31 Florida Mental Health Institute at the University of South

1 Florida to study the concept of increasing court jurisdiction  
2 and supervision over persons with mental illness who are  
3 arrested for or convicted of a misdemeanor, to ensure  
4 compliance with an approved individualized treatment or  
5 service plan. The study shall focus on whether extending court  
6 jurisdiction would enhance the mental stability of persons  
7 with mental illness in order for them to live in the  
8 community, function at their optimal level, and not be  
9 involved in any type of criminal behavior. The Department of  
10 Children and Family Services shall prepare a report by  
11 December 31, 1999, which includes recommendations for  
12 statutory changes or departmental policy changes that do not  
13 require statutory revisions.

14       Section 4. The district forensic coordinators of the  
15 Department of Children and Family Services shall assess the  
16 provision of in-jail mental health diagnostic and treatment  
17 services. The department shall prepare a report of its  
18 findings, conclusions, and recommendations by December 31,  
19 1999, including any proposed statutory revisions.

20       Section 5. The reports that are required in sections  
21 2, 3, and 4 to be prepared by the Department of Children and  
22 Family Services, including the joint report in section 2, must  
23 be submitted in one report to the President of the Senate and  
24 the Speaker of the House of Representatives by December 31,  
25 1999.

26       Section 6. The Louis de la Parte Florida Mental Health  
27 Institute at the University of South Florida shall evaluate  
28 the effectiveness of the specialized mental health court  
29 established in Broward County to determine client and system  
30 outcomes and cost efficiencies and shall make recommendations  
31 for establishing similar special courts in other judicial

1 circuits. This evaluation must include tracking clients for 1  
2 year following release from the Broward County jail by the  
3 special mental health court and from a county jail without a  
4 special mental health court. The Louis de la Parte Florida  
5 Mental Health Institute shall report to the President of the  
6 Senate and the Speaker of the House of Representatives on the  
7 findings of the evaluation, including recommendations for any  
8 statutory revisions, by October 1, 2000.

9           Section 7. For the purpose of implementing the  
10 requirements of sections 1, 3, and 6, the sum of \$100,000 is  
11 appropriated from the General Revenue Fund to the Department  
12 of Children and Family Services for the 1999-2000 fiscal year.  
13 The department may not use more than \$20,000 of the  
14 appropriation for the purpose of implementing the requirements  
15 of section 1.

16           Section 8. This act shall take effect July 1, 1999.  
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