

1 A bill to be entitled
2 An act relating to mental health and substance
3 abuse services; amending s. 394.66, F.S.;
4 conforming references; amending s. 394.74,
5 F.S.; authorizing the Department of Children
6 and Family Services to use unit cost methods of
7 payment in contracts for mental health and
8 substance abuse services; amending s. 394.78,
9 F.S.; requiring the department to establish
10 certain contract, payments, and accounting
11 standards; creating the Commission on Mental
12 Health and Substance Abuse; providing duties;
13 providing membership; providing for an advisory
14 committee; providing for staff support;
15 providing for meetings and organization;
16 requiring reports; providing for expiration;
17 amending s. 397.419, F.S.; providing quality
18 assurance program requirements for substance
19 abuse services; providing for district quality
20 assurance coordinators, contingent upon
21 specific appropriation; creating s. 397.92,
22 F.S.; providing goals of the children's
23 substance abuse services system; creating s.
24 397.93, F.S.; specifying target populations;
25 creating s. 397.94, F.S.; requiring each
26 district of the Department of Children and
27 Family Services to develop a children's
28 substance abuse information and referral
29 network by a specified date; creating s.
30 397.95, F.S.; requiring certain service
31 providers to comply with licensure requirements

1 and department rules; creating s. 397.951,
2 F.S.; providing for the integration of
3 treatment and sanctions; creating s. 397.96,
4 F.S.; providing for intensive case management
5 for certain complex cases; creating s. 397.97,
6 F.S.; creating the Children's Network of Care
7 Demonstration Models for local delivery of
8 substance abuse services; providing a time
9 limitation; providing for purchase of services;
10 providing criteria for operation; creating s.
11 397.98, F.S.; providing for utilization
12 management under the demonstration models;
13 creating s. 397.99, F.S.; providing for award
14 of school substance abuse prevention
15 partnership grants; providing procedures for
16 application and review; providing criteria for
17 funding and requirements for operation of
18 programs funded; providing for rules; creating
19 s. 397.997, F.S.; providing for a prevention
20 website; creating s. 397.998, F.S.; directing
21 the department to establish a program to
22 provide drug-free communities support match
23 grants, contingent upon specific
24 appropriations; providing purposes,
25 eligibility, and procedures; authorizing
26 department rules; directing the Department of
27 Children and Family Services to develop
28 cooperative agreements with local agencies for
29 diverting from the criminal justice system to
30 the civil mental health system persons with
31 mental illness arrested for a misdemeanor;

1 directing the Louis de la Parte Florida Mental
2 Health Institute at the University of South
3 Florida to report to the Legislature on
4 cost-effective diversion strategies; directing
5 the Department of Law Enforcement and the
6 Department of Children and Family Services to
7 jointly review training curricula for law
8 enforcement officers and to recommend
9 improvements to the Legislature; directing the
10 Department of Children and Family Services to
11 contract with the Louis de la Parte Florida
12 Mental Health Institute to review court
13 jurisdiction over persons with mental illness
14 who are arrested for or convicted of a
15 misdemeanor and to recommend policy changes to
16 the Legislature; directing the district
17 forensic coordinators in the Department of
18 Children and Family Services to assess the
19 provision of in-jail mental health services and
20 report to the Legislature; directing the Louis
21 de la Parte Florida Mental Health Institute to
22 evaluate the specialized mental health court in
23 Broward County and report findings and
24 recommendations to the Legislature; directing
25 the Department of Children and Family Services
26 to prepare a single report by a specified date;
27 providing an appropriation; providing an
28 effective date.

29
30 WHEREAS, the Legislature finds that substance abuse has
31 a detrimental effect on children that requires a system of

1 appropriate substance abuse services, including school-based,
2 community-based prevention, and early intervention programs,
3 as well as community-based treatment programs, and

4 WHEREAS, it is in the state's best interest that
5 children with a substance abuse problem receive the services
6 they need to enable them to become and remain independent of
7 state care or, when in state care, to return home or be placed
8 in an appropriate home-like setting, and

9 WHEREAS, it is the intent of the Legislature to ensure
10 that prevention, early intervention, and treatment services
11 are available for children who are delinquent or dependent,
12 and

13 WHEREAS, the Legislature recognizes that the most
14 effective prevention, early intervention, and treatment
15 strategies for children require that families participate in
16 substance abuse services, and

17 WHEREAS, it is the goal of the Legislature to provide
18 an accountable and effective system of substance abuse
19 prevention, intervention, and treatment services through a
20 quality assurance process that ensures the most effective
21 service delivery system, NOW, THEREFORE,

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Subsections (3) and (7) of section 394.66,
26 Florida Statutes, are amended to read:

27 394.66 Legislative intent with respect to alcohol,
28 drug abuse, and mental health services.--It is the intent of
29 the Legislature to:

30 (3) Ensure that all activities of the Department of
31 Children Health and Family Rehabilitative Services and its

1 contractors are directed toward the coordination of planning
2 efforts in alcohol, drug abuse, and mental health treatment
3 services.

4 (7) Include alcohol, drug abuse, and mental health
5 services as a component of the integrated service delivery
6 system of the Department of Children Health and Family
7 ~~Rehabilitative~~ Services.

8 Section 2. Subsection (2) of section 394.74, Florida
9 Statutes, is amended to read:

10 394.74 Contracts for provision of local alcohol, drug
11 abuse, and mental health programs.--

12 (2)(a) Contracts for service shall be consistent with
13 the approved district plan and the service priorities
14 established in s. 394.75(4).

15 (b) Notwithstanding s. 394.76(3)(a) and (c), the
16 department may use unit cost methods of payment in contracts
17 for purchasing mental health and substance abuse services. The
18 unit cost contracting system must account for those patient
19 fees that are paid on behalf of a specific client and those
20 that are earned and used by the provider for those services
21 funded in whole or in part by the department.

22 (c) The department may reimburse actual expenditures
23 for start-up contracts and fixed capital outlay contracts in
24 accordance with contract specifications.

25 Section 3. Subsection (6) is added to section 394.78,
26 Florida Statutes, 1998 Supplement, to read:

27 394.78 Operation and administration; personnel
28 standards; procedures for audit and monitoring of service
29 providers; resolution of disputes.--

30 (6) The department shall, by rule, establish standards
31 for contracting budgeting, methods of payment, and the

1 accounting of patient fees that are earned on behalf of a
2 specific client.

3 Section 4. Commission on Mental Health and Substance
4 Abuse.--

5 (1) FINDINGS.--The Legislature finds that: major
6 changes and improvements have occurred in how mental health
7 and substance abuse services are planned, purchased,
8 delivered, coordinated, and accounted for; the management of
9 the state's substance abuse and mental health services system
10 delineated in part IV of chapter 394, Florida Statutes, has
11 not been systematically reviewed and updated in over 15 years;
12 and the management of the state-supported mental health and
13 substance abuse system has not kept pace with improvements in
14 the field, thereby diminishing the potential efficacy of its
15 investment in mental health services and substance abuse
16 services. Therefore, it is the intent of the Legislature that
17 a systematic review of the overall management of the state's
18 mental health and substance abuse system be conducted and that
19 recommendations for updating part IV of chapter 394, Florida
20 Statutes, and other related statutes be formulated.

21 (2) CREATION.--There is created, within the Department
22 of Children and Family Services, the Commission on Mental
23 Health and Substance Abuse.

24 (3) DUTIES.--The duties of the Commission on Mental
25 Health and Substance Abuse include the following:

26 (a) Conducting a review and evaluation of the
27 management and functioning of the existing publicly supported
28 mental health and substance abuse systems and services in the
29 Department of Children and Family Services, the Agency for
30 Health Care Administration, and all other departments which
31 administer mental health and substance abuse services. Such

1 review shall include, at a minimum, a review of current goals
2 and objectives, current planning, services strategies,
3 coordination management, purchasing, contracting, financing,
4 local government funding responsibility, and accountability
5 mechanisms. The commission shall coordinate its activities and
6 recommendations with the Office of Drug Control within the
7 Executive Office of the Governor.

8 (b) Addressing the unique mental health and substance
9 abuse needs of older persons shall be an integral component of
10 the duties of the commission as specified in paragraph (a).

11 (c) Addressing access to, and financing of, and scope
12 of responsibility in the delivery of emergency behavioral
13 health care services.

14 (d) Addressing the quality and effectiveness of
15 current mental health and substance abuse services delivery
16 systems, and professional staffing and clinical structure of
17 services, roles, and responsibilities of public and private
18 providers, such as community mental health centers, community
19 substance abuse agencies, hospitals, including emergency
20 services departments, law enforcement, and the judicial
21 system.

22 (e) Addressing priority population groups for publicly
23 funded mental health and substance abuse services, a
24 description of the comprehensive mental health and substance
25 abuse delivery systems, district mental health and substance
26 abuse needs assessment and planning activities, and local
27 government responsibilities for funding mental health and
28 substance abuse services.

29 (f) Formulating recommendations to the Governor and
30 Legislature regarding the mission and objectives of
31 state-supported mental health and substance abuse services and

1 the planning, management, staffing, financing, contracting,
2 coordination, and accountability mechanisms which will best
3 foster the recommended mission and objectives.

4 (4) MEMBERSHIP.--The commission shall be composed of
5 23 members.

6 (a) One member shall be a member of the Senate and
7 shall be appointed by the Senate President.

8 (b) One member shall be a member of the House of
9 Representatives and shall be appointed by the Speaker of the
10 House of Representatives.

11 (c) One member shall be the Secretary of Children and
12 Family Services or his or her designee.

13 (d) One member shall be the Secretary of Health or his
14 or her designee.

15 (e) One member shall be the Director of Health Care
16 Administration or his or her designee.

17 (f) The following members shall be appointed by the
18 Governor:

19 1. One consumer of publicly funded mental health or
20 substance abuse services.

21 2. One family member of a consumer of publicly funded
22 mental health or substance abuse services.

23 3. One representative of county government.

24 4. One representative of the Florida Mental Health
25 Institute.

26 5. One corporate employer of a corporation which
27 provides mental health and substance abuse benefits to
28 employees but is not in the business of providing mental
29 health or substance abuse services.

30 6. One representative of an acute care hospital with
31 psychiatric beds or a mental health program.

1 7. One representative of a community mental health
2 provider.

3 8. One representative of a community substance abuse
4 provider.

5 9. A licensed psychiatrist working within the mental
6 health or substance abuse delivery system.

7 10. A licensed psychologist working within the mental
8 health or substance abuse delivery system.

9 11. Two other licensed mental health or substance
10 abuse professionals.

11 12. An emergency room physician.

12 13. One representative of an insurer offering
13 behavioral and physical health insurance benefits.

14 14. One representative of a specialty hospital
15 licensed pursuant to chapter 395, Florida Statutes, providing
16 mental health care and addictive services.

17 15. One representative from law enforcement.

18 16. One representative from the judicial system.

19 17. One representative of a child welfare agency
20 involved in the delivery of behavioral health services.

21 (5) ADVISORY COMMITTEES.--The commission shall appoint
22 at least one advisory committee representative of all state
23 agencies involved in the delivery of mental health and
24 substance abuse services, and consumers, family members of
25 consumers, and current providers of public mental health or
26 substance abuse services.

27 (6) STAFF.--The Department of Children and Family
28 Services shall appoint an executive director recommended by
29 the commission, who shall provide professional expertise and
30 arrange for required consultation, analysis, and secretarial
31 and clerical support for the commission. Additional staff

1 support shall be provided by the Department of Children and
2 Family Services.

3 (7) MEETINGS; REPORTS.--

4 (a) The commission shall conduct its first meeting no
5 later than September 1, 1999.

6 (b) The commission shall meet as often as necessary to
7 fulfill its responsibilities.

8 (c) Committees shall be assigned as needed, composed
9 of representatives of the commission and the advisory
10 committee and employees of the involved state agencies.

11 (d) All commission meetings shall be open to the
12 public and shall be held at various locations around the state
13 to facilitate public participation.

14 (e) The commission shall elect a chairperson from
15 among its members.

16 (f) The commission shall, as one of its first duties,
17 adopt rules of procedure, which shall, at a minimum, include a
18 requirement that the recommendations of the commission be
19 adopted by at least two-thirds of those commission members
20 present.

21 (g) The commission shall submit an interim report to
22 the Governor, the President of the Senate, and the Speaker of
23 the House of Representatives no later than March 1, 2000.

24 (h) A final report with recommendations, including any
25 modifications to current law, shall be submitted to the
26 Governor, the President of the Senate, and the Speaker of the
27 House of Representatives no later than December 1, 2000.

28 (i) Authorization for the Commission on Mental Health
29 and Substance Abuse expires effective May 15, 2001.

30 Section 5. Subsections (8), (9), and (10) are added to
31 section 397.419, Florida Statutes, to read:

1 397.419 Quality assurance programs.--
2 (8) The quality assurance program shall be implemented
3 as part of the department's contract management process. The
4 quality assurance program shall:
5 (a) Track performance measures and standards
6 established by the Legislature as part of the
7 performance-based program budgeting process;
8 (b) Provide a framework for evaluating outcomes which
9 is separate from the performance-based program budgeting
10 process, including:
11 1. Output measures, such as capacities, technologies,
12 and infrastructure, that make up the system of care.
13 2. Process measures, such as administrative and
14 clinical components of treatment.
15 3. Outcome measures pertaining to the outcomes of
16 services;
17 (c) Provide for a system of analyzing those factors
18 which have an effect on performance at the local level;
19 (d) Provide for a system of reporting the results of
20 quality assurance reviews; and
21 (e) Incorporate best practice models for use in
22 improving performance in those areas which are deficient.
23 (9) The quality assurance program shall incorporate a
24 peer review process into its protocol, to include:
25 (a) Reviews of providers by departmental district
26 staff and other providers.
27 (b) Reviews of individual districts by other
28 districts.
29 (10) Contingent upon specific appropriation, a quality
30 assurance coordinator position shall be established within
31

1 each service district to oversee the implementation and
2 operation of the quality assurance program.

3 Section 6. Part X of chapter 397, Florida Statutes, is
4 retitled to read:

5
6 PART X
7 JUVENILE EMERGENCY PROCEDURES AND
8 CHILDREN'S SUBSTANCE ABUSE SERVICES
9

10 Section 7. Section 397.92, Florida Statutes, is
11 created to read:

12 397.92 Children's substance abuse services system;
13 goals.--

14 (1) It is the intent of the Legislature that the
15 children's substance abuse services system achieve the
16 following performance outcomes for children who are eligible
17 for services:

18 (a) Identification of the presenting problems and
19 conditions of substance abuse through the use of valid
20 assessment.

21 (b) Improvement in the child's ability to function in
22 the family with minimum supports.

23 (c) Improvement in the child's ability to function in
24 school with minimum supports.

25 (d) Improvement in the child's ability to function in
26 the community with minimum supports.

27 (e) Improvement in the child's ability to live
28 drug-free.

29 (f) Reduction of behaviors and conditions that may be
30 linked to substance abuse, such as unintended pregnancy,
31

1 delinquency, sexually transmitted diseases, and smoking, and
2 other negative behaviors.

3 (g) Increased return of children in state custody,
4 drug-free, to their homes, or the placement of such children,
5 drug-free, in an appropriate setting.

6 (2) Pursuant to s. 216.0166, the department shall
7 annually develop performance outcomes and performance measures
8 to assess the performance of the children's substance abuse
9 services system in achieving the intent of this section.

10 Section 8. Section 397.93, Florida Statutes, is
11 created to read:

12 397.93 Children's substance abuse services; target
13 populations.--The target populations for children's substance
14 abuse services are children at risk for substance abuse and
15 children with substance abuse problems.

16 (1) Children at risk for substance abuse include:

17 (a) Children who are at risk due to regular or
18 periodic exposure to negative factors related to family,
19 community, school, self, or peers. Children in this category
20 are typically placed in special prevention programs which are
21 often school-based and which emphasize the importance of
22 protective factors to reduce risk.

23 (b) Children who are at risk due to experimental and
24 social use of substances. Children in this category are
25 typically placed in early intervention programs which may
26 occur in the community or school.

27 (2) Children with substance abuse problems include:

28 (a) Children who use substances on a daily, weekly, or
29 monthly basis. Children in this category typically need
30 outpatient counseling and in some cases more structured day or
31 night treatment.

1 (b) Children with a substance dependency or addiction.
2 Children in this category typically need structured day or
3 night treatment or more intensive and longer term residential
4 treatment, with some severe cases initially in need of
5 detoxification and stabilization.

6 Section 9. Section 397.94, Florida Statutes, is
7 created to read:

8 397.94 Children's substance abuse services;
9 information and referral network.--

10 (1) Each service district of the department shall
11 develop a plan for and implement a districtwide comprehensive
12 children's substance abuse information and referral network to
13 be operational by July 1, 2000.

14 (2) In order to ensure access and appropriate
15 referral, the network shall be incorporated into the
16 district's child and adolescent mental health information and
17 referral network provided for under s. 394.4985 and, by July
18 1, 2000, renamed the referral network the children's substance
19 abuse and mental health information and referral network.

20 Districts shall submit a plan to the secretary of the
21 department regarding the integration of the substance abuse
22 services information and referral network with the child and
23 adolescent mental health information and referral network no
24 later than December 1, 1999.

25 (3) The district shall determine the most
26 cost-effective method for delivering this service and may
27 select a new provider or utilize an existing provider or
28 providers with a record of success in providing information
29 and referral services.

30 (a) Districts shall submit the plan to the secretary
31 of the department no later than October 1, 1999.

1 (b) The plan must provide assurances that the
2 information and referral network will include a resource
3 directory that contains information regarding the children's
4 substance abuse services available, including, but not limited
5 to:

6 1. Public and private resources by service component,
7 including resources for involuntary admissions under s.
8 397.675.

9 2. Hours of operation and hours during which services
10 are provided.

11 3. Ages of persons served.

12 4. Description of services.

13 5. Eligibility requirements.

14 6. Fee schedules.

15 (c) Maintain and annually update information regarding
16 private practitioners in the community who provide substance
17 abuse services to children.

18 (d) Develop and implement procedures for documenting
19 requests for services, including, but not limited to:

20 1. Number of calls by type of service requested, if
21 any;

22 2. Ages of children for whom services are requested;
23 and

24 3. Disposition on all referrals, including location of
25 resource if referred for face-to-face screening.

26 (e) Develop and implement procedures for sharing
27 information with participating community agencies and
28 resources.

29 (4) In planning the information and referral network,
30 the district shall consider the establishment of a 24-hour
31 toll-free telephone number to call for information and a

1 public service campaign to inform the public about the
2 information and referral service.

3 Section 10. Section 397.95, Florida Statutes, is
4 created to read:

5 397.95 Children's substance abuse services; services
6 provided by licensed providers.--Each service district of the
7 department shall ensure that all screening, intake,
8 assessment, enrollment, service planning, and case management
9 services provided under this part are provided by children's
10 substance abuse services providers licensed under part II and
11 in accordance with standards set forth in department rules.

12 Section 11. Section 397.951, Florida Statutes, is
13 created to read:

14 397.951 Treatment and sanctions.--The Legislature
15 recognizes that the integration of treatment and sanctions
16 greatly increases the effectiveness of substance abuse
17 treatment. It is the responsibility of the department and the
18 substance abuse treatment provider to employ the full measure
19 of sanctions available to require participation and completion
20 of treatment to ensure successful outcomes for children in
21 substance abuse treatment.

22 (1) Pursuant to the provisions of this chapter, the
23 department shall ensure that substance abuse treatment
24 providers develop and manage treatment plans that are
25 appropriate to the severity of the substance abuse problem and
26 tailored to the individual needs of the child.

27 (2) The department shall ensure that substance abuse
28 treatment providers employ any and all appropriate available
29 sanctions necessary to engage, motivate, and maintain a child
30 in treatment, including, but not limited to, provisions in law
31 that:

1 (a) Provide for parental participation in treatment
2 for involuntary admission to treatment, as provided in part IV
3 of this chapter.

4 (b) Provide for law enforcement authorities to assume
5 custody of a child who is substance abuse impaired and allow
6 placement of a child into the care of a hospital, substance
7 abuse detoxification facility, or addiction receiving
8 facility, as specified in part V of this chapter.

9 (c) Provide parental authority to involuntarily admit
10 a child for assessment to an addiction receiving facility, as
11 specified in part V of this chapter.

12 (d) Provide parents and substance abuse providers with
13 civil involuntary procedures to secure court-ordered
14 assessment and treatment for children, as specified in part V
15 of this chapter.

16 (e) Authorize the court or any criminal justice
17 authority with jurisdiction over a child charged or convicted
18 of a crime to require that the delinquent or offender receive
19 substance abuse services under part VII of this chapter.

20 (f) Provide authority of the court and contempt powers
21 to require parental participation in the treatment of a
22 delinquent or offender pursuant to s. 397.706.

23 (g) Authorize the court to mandate services for
24 children and their families in dependency proceedings under
25 chapter 39, and children and families in need of services
26 under chapter 984.

27 (h) Provide that the use, possession, or sale of
28 controlled substances, as defined in chapter 893, or
29 possession of electronic telephone pagers, by any student
30 while such student is upon school property or in attendance at
31 a school function is grounds for disciplinary action by the

1 school and may also result in criminal penalties being imposed
2 pursuant to s. 232.26.

3 (i) Provide that, pursuant to s. 322.056, for any
4 person under 18 years of age who is found guilty of or
5 delinquent for a violation of s. 562.11(2), s. 562.111, or
6 chapter 893, and is eligible by reason of age for a driver's
7 license or driving privilege, the court shall direct the
8 Department of Highway Safety and Motor Vehicles to revoke or
9 to withhold issuance of his or her driver's license or driving
10 privilege for a period of:

11 1. Not less than 6 months and not more than 1 year for
12 the first violation.

13 2. Two years, for a subsequent violation.

14 Section 12. Section 397.96, Florida Statutes, is
15 created to read:

16 397.96 Case management for complex substance abuse
17 cases.--

18 (1) Contingent upon specific appropriations, it is the
19 intent of the Legislature to provide for a more intensive
20 level of case management for complex cases involving children
21 who need substance abuse services. Such services shall be
22 directed toward children receiving services from several
23 agencies or programs to address the complex problems created
24 by substance abuse, dependency, or addiction.

25 (2) The department shall determine when a child
26 receiving children's substance abuse services under this part
27 shall have a case manager.

28 (3) For the purposes of this section, "case
29 management" means those activities aimed at:

30 (a) Implementing a treatment plan;

31 (b) Advocacy;

1 (c) Linking services providers to a child and family;
2 (d) Monitoring services delivery; and
3 (e) Collecting information to determine the effect of
4 services and treatment.

5 (4) The case manager shall periodically review
6 services utilization to ascertain compliance with plans
7 approved by the planning team.

8 (5) The department shall establish by rule standards
9 to coordinate case management activities from various referral
10 points, in order to minimize fragmentation and duplication and
11 promote stability of case managers assigned to a child and
12 family. In the attempt to minimize duplication, it is the
13 intent of the Legislature that a child have no more than one
14 case manager.

15 Section 13. Section 397.97, Florida Statutes, is
16 created to read:

17 397.97 Children's substance abuse services;
18 demonstration models.--

19 (1) CREATION; PURPOSE.--There is created the
20 Children's Network of Care Demonstration Models to operate,
21 for 4 years, for children who are at risk of substance abuse
22 or who have substance abuse problems. The purpose of the
23 demonstration models is to encourage collaboration among the
24 department, the Agency for Health Care Administration, the
25 Department of Education, the Department of Health, the
26 Department of Juvenile Justice, local government agencies, and
27 any other interested party, through a partnership agreement
28 entered into to provide a locally organized network of care
29 for children and their families. The demonstration models
30 must:

31 (a) Be implemented using existing funds;

- 1 (b) Center on the child and his or her family;
2 (c) Promote integration and coordination of services;
3 (d) Provide for accountable outcomes; and
4 (e) Emphasize the provision of services in the least
5 restrictive, most appropriate setting, utilizing uniform
6 placement criteria established in rule of the department.
7 (2) GOAL.--The goal of the Children's Network of Care
8 Demonstration Models is to create an effective interagency
9 strategy for delivering substance abuse services to the target
10 populations through a local network of service providers. The
11 specific objectives of this strategy are to:
12 (a) Develop standardized forms and uniform procedures
13 which shall be used for screening, intake, assessment,
14 enrollment, service planning, case management, and utilization
15 management;
16 (b) Eliminate duplication of services;
17 (c) Employ natural supports in the family and the
18 community to help meet the service needs of the child who is
19 at risk of substance abuse or has a substance abuse problem;
20 (d) Improve interagency planning efforts through
21 greater collaboration between public and private
22 community-based agencies;
23 (e) Test creative and flexible strategies for
24 financing the care of children who are at risk of substance
25 abuse or have a substance abuse problem; and
26 (f) Share information about the child with appropriate
27 community agencies.
28 (3) PURCHASE OF SERVICES; OPERATION CRITERIA.--
29 (a) Each demonstration model shall be governed by a
30 multiagency consortium of state and county agencies or other
31 public agencies, or a community-based, not-for-profit

1 substance abuse or behavioral health network designated by the
2 department, hereafter referred to as the purchasing agent,
3 which shall purchase individualized services for children who
4 are at risk of substance abuse or have a substance abuse
5 problem. Services shall be based on client need rather than on
6 traditional services limited to narrowly defined cost centers
7 or appropriations categories. Approval to operate as a
8 Children's Network of Care Demonstration Model shall be given
9 by the secretary of the department and shall be based on
10 criteria developed by the department.

11 (b) The local purchasing agent is responsible for
12 designing a well-defined network of experienced substance
13 abuse services providers. At a minimum, the consortium shall:

- 14 1. Specify the capacity and composition of the
15 provider network;
- 16 2. Approve providers for the network;
- 17 3. Ensure enrollees' access to network services;
- 18 4. Subcontract with providers;
- 19 5. Establish qualification standards for provider
20 staff; and
- 21 6. Monitor providers' performance.

22 (4) COLLABORATION.--Demonstration models established
23 under this section may enter into collaborative partnership
24 with demonstration models established pursuant to s. 394.498.

25 Section 14. Section 397.98, Florida Statutes, is
26 created to read:

27 397.98 Children's substance abuse services;
28 utilization management.--

29 (1) Utilization management shall be an integral part
30 of each Children's Network of Care Demonstration Model as
31 described under s. 397.97. The utilization management process

1 shall include procedures for analyzing the allocation and use
2 of resources by the purchasing agent. Such procedures shall
3 include:

4 (a) Monitoring the appropriateness of admissions to
5 residential services or other levels of care as determined by
6 the department.

7 (b) Monitoring the duration of care.

8 (c) Developing profiles of network providers which
9 describe their patterns of delivering care.

10 (d) Authorizing care for high-cost services.

11 (2) The procedures shall be established by the
12 purchasing agent in consultation with the department and are
13 subject to approval by the secretary of the department. The
14 implementation of utilization management within the
15 demonstration models shall be contingent upon the availability
16 of funds.

17 Section 15. Section 397.99, Florida Statutes, is
18 created to read:

19 397.99 School substance abuse prevention partnership
20 grants.--

21 (1) GRANT PROGRAM.--

22 (a) In order to encourage the development of effective
23 substance abuse prevention and early intervention strategies
24 for school-age populations, the school substance abuse
25 prevention partnership grant program is established.

26 (b) The department shall administer the program in
27 cooperation with the Department of Education and the
28 Department of Juvenile Justice.

29 (2) APPLICATION PROCEDURES; FUNDING REQUIREMENTS.--

30 (a) Schools, or community-based organizations in
31 partnership with schools, may submit a grant proposal for

1 funding or continued funding to the department by March 1 of
2 each year. The department shall establish grant application
3 procedures which ensure that grant recipients implement
4 programs and practices that are effective. The department
5 shall include the grant application document on an Internet
6 website.

7 (b) Grants may fund programs to conduct prevention
8 activities serving students who are not involved in substance
9 use, intervention activities serving students who are
10 experimenting with substance use, or both prevention and
11 intervention activities, if a comprehensive approach is
12 indicated as a result of a needs assessment.

13 (c) Grants may target youth, parents, and teachers and
14 other school staff, coaches, social workers, case managers,
15 and other prevention stakeholders.

16 (d) Performance measures for grant program activities
17 shall measure improvements in student attitudes or behaviors
18 as determined by the department.

19 (e) At least 50 percent of the grant funds available
20 for local projects must be allocated to support the
21 replication of prevention programs and practices that are
22 based on research and have been evaluated and proven
23 effective. The department shall develop related qualifying
24 criteria.

25 (f) In order to be considered for funding, the grant
26 application shall include the following assurances and
27 information:

28 1. A letter from the administrators of the programs
29 collaborating on the project, such as the school principal,
30 community-based organization executive director, or recreation
31 department director, confirming that the grant application has

1 been reviewed and that each partner is committed to supporting
2 implementation of the activities described in the grant
3 proposal.

4 2. A rationale and description of the program and the
5 services to be provided, including:

6 a. An analysis of prevention issues related to the
7 substance abuse prevention profile of the target population.

8 b. A description of other primary substance use and
9 related risk factors.

10 c. Goals and objectives based on the findings of the
11 needs assessment.

12 d. The selection of programs or strategies that have
13 been shown to be effective in addressing the findings of the
14 needs assessment.

15 e. A method of identifying the target group for
16 universal prevention strategies, and a method for identifying
17 the individual student participants in selected and indicated
18 prevention strategies.

19 f. A description of how students will be targeted.

20 g. Provisions for the participation of parents and
21 guardians in the program.

22 h. An evaluation component to measure the
23 effectiveness of the program in accordance with
24 performance-based program budgeting effectiveness measures.

25 i. A program budget, which includes the amount and
26 sources of local cash and in-kind resources committed to the
27 budget and which establishes, to the satisfaction of the
28 department, that the entity will make a cash or in-kind
29 contribution to the program of a value that is at least 25
30 percent of the amount of the grant.

31

1 (g) The department shall consider the following in
2 awarding such grants:

3 1. The number of youths that will be targeted.

4 2. The validity of the program design to achieve
5 project goals and objectives that are clearly related to
6 performance-based program budgeting effectiveness measures.

7 3. The desirability of funding at least one approved
8 project in each of the department's service districts.

9 (3) The department shall coordinate the review of
10 grant applications with the Department of Education and the
11 Department of Juvenile Justice and shall make award
12 determinations no later than June 30 of each year. All
13 applicants shall be notified by the department of its final
14 action.

15 (4) Each entity that is awarded a grant as provided
16 for in this section shall submit performance and output
17 information as determined by the department.

18 (5) The department shall establish rules as necessary
19 to implement this section.

20 Section 16. Section 397.997, Florida Statutes, is
21 created to read:

22 397.997 Prevention resources; Internet website.--

23 (1) The department shall develop a publicly available
24 substance abuse prevention Internet website. The information
25 on the Internet website shall target youth and their parents,
26 teachers, and other stakeholders.

27 (2) The Internet website shall incorporate, at a
28 minimum, the following components;

29 (a) The nature of Florida's current youth alcohol,
30 tobacco, and other drug use concerns;

31

1 (b) The health, social, and legal effects of alcohol,
2 tobacco, and other drug use on individuals, families, schools,
3 and the economy;

4 (c) National, state, and local substance abuse
5 prevention and treatment resources; and

6 (d) Classroom, home, and individual instructional
7 activities and games geared to teach targeted youth about the
8 harmful effects of alcohol, tobacco, or other drug use,
9 refusal and other prevention skills, and how to get help for
10 someone using drugs.

11 Section 17. Section 397.998, Florida Statutes, is
12 created to read:

13 397.998 Drug-free communities support match grants.--

14 (1) PURPOSE.--The purposes of drug-free communities
15 match grants are to:

16 (a) Assist community coalitions in an effort to secure
17 federal drug-free communities support program grants under
18 Pub. L. No. 105-20.

19 (b) Reduce substance abuse among youth and, over time,
20 to reduce substance abuse among adults.

21 (c) Enable community coalitions to strengthen
22 collaboration efforts among public and private agencies to
23 reduce substance abuse among youth.

24 (2) APPLICATION PROCESS.--

25 (a) Contingent upon specific appropriations, the
26 department shall establish a program to provide drug-free
27 communities match grants.

28 (b) The grants shall be used for all or part of the
29 match required for community coalitions to secure a federal
30 drug-free communities support program grant.

31 (3) ELIGIBLE APPLICANTS.--

1 (a) Community coalitions whose members have worked
2 together on substance abuse reduction initiatives for a period
3 of not less than 6 months are eligible to apply for match
4 grant funds.

5 (b) The coalition must represent the targeted
6 community and include at least one representative of each of
7 the following groups: local Department of Children and Family
8 Services official; youth; parents; business community; media;
9 schools; organizations serving youth; law enforcement
10 agencies; religious or fraternal organizations; civic and
11 volunteer groups; health care professionals; other local or
12 tribal governmental agencies with an expertise in the field of
13 substance abuse, including, if applicable, the state authority
14 with primary authority for substance abuse; and other
15 organizations involved in reducing substance abuse.

16 (c) To demonstrate that the coalition meets the stated
17 criteria, the applicant must submit examples or formal
18 agreements, such as memorandums of understanding, previous
19 newsletters or publications, or other examples of print media
20 coverage that are dated within 6 months prior to submittal of
21 the application.

22 (4) RELEASE OF FUNDS.--Match grant funds shall be
23 released as required by federal regulations to community
24 coalitions upon documentation that a community coalition has
25 been awarded a drug-free communities support program grant.

26 (5) IN-KIND MATCH.--The department may provide other
27 in-kind services or goods allowed by federal regulations in
28 lieu of money, to achieve the purpose of this section.

29 (6) RULES.--The department is authorized to adopt
30 rules specifically to address procedures necessary to
31

1 administer the drug-free communities match grants as provided
2 in this section.

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

19 (a) Prebooking or postbooking interventions;

20 (b) Ways in which mental health professionals may
21 assist law enforcement agencies with difficult mental health
22 cases;

23 (c) Information-sharing among community entities
24 regarding persons with mental illness who are frequently
25 arrested for misdemeanors, in order to improve early
26 identification and treatment of these persons;

27 (d) Referral of misdemeanant clients to appropriate
28 aftercare services upon release from jail or a facility that
29 receives clients under the Baker Act;

30 (e) Provision of appropriate psychotropic medications
31 to misdemeanant clients for a reasonable number of days

1 following discharge from jail or a facility that receives
2 clients under the Baker Act; and

3 (f) Provision of intensive case-management services to
4 the appropriate misdemeanant clients.

5
6 For the purpose of uniformity, each district must work with
7 the central program office to develop and include an analysis
8 of the client population and client movement, an analysis of
9 available and unavailable resources, and, consistent with
10 section 216.0166, Florida Statutes, the identification of key
11 indicators that will measure the impact of these strategies on
12 the clients and on the community systems. The department must
13 complete the district diversion strategies, client data
14 analysis, and identification of key indicators and submit a
15 copy to the Louis de la Parte Florida Mental Health Institute
16 by October 1, 1999.

17 (2) The Louis de la Parte Florida Mental Health
18 Institute at the University of South Florida shall review the
19 state's district diversion strategies developed by the
20 department, as well as cost-effective strategies being used in
21 communities in other states, to divert misdemeanants from the
22 criminal justice system to the mental health system. Based on
23 this review, the Institute must recommend those diversion
24 strategies and treatment activities used by Florida or other
25 states which have proven to be the most effective in meeting
26 performance standards, including those identified pursuant to
27 section 216.0166, Florida Statutes, with the misdemeanant
28 population. The review must include details about the cost
29 savings that are associated with those programs and must
30 explain how those long-term or short-term cost savings are
31 achieved. The Institute shall submit a final report on its

1 findings, conclusions, and recommendations to the President of
 2 the Senate and Speaker of the House of Representatives by
 3 January 1, 2001. The report must specify what results can be
 4 expected based on the current level of resources, as well as
 5 specify additional resources that are needed to adequately
 6 serve the misdemeanor population. A preliminary report on the
 7 status of the review must be submitted to the President of the
 8 Senate and Speaker of the House of Representatives on January
 9 1, 2000.

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

23 Section 20. The Department of Children and Family
 24 Services, in consultation with the Office of the State Courts
 25 Administrator, shall contract with the Louis de la Parte
 26 Florida Mental Health Institute to study the concept of
 27 increasing court jurisdiction and supervision over persons
 28 with mental illness who are arrested for or convicted of a
 29 misdemeanor to assure compliance with an approved
 30 individualized treatment or service plan. The study shall
 31 focus on whether extending court jurisdiction would enhance

1 mental stability of persons with mental illness in order for
2 them to live in the community, function at their optimal
3 level, and not be involved in any type of criminal behavior.
4 The Department of Children and Family Services shall prepare a
5 report by December 31, 1999, which includes recommendations
6 for statutory changes or departmental policy changes that do
7 not require statutory revisions.

8 Section 21. The district forensic coordinators of the
9 Department of Children and Family Services shall assess the
10 provision of in-jail mental health diagnostic and treatment
11 services. The department shall prepare a report of its
12 findings, conclusions, and recommendations by December 31,
13 1999, including any proposed statutory revisions.

14 Section 22. The reports that are required in sections
15 20, 21, and 22 of this act to be prepared by the Department of
16 Children and Family Services, including the joint report in
17 section 20, must be submitted in one report to the President
18 of the Senate and Speaker of the House of Representatives by
19 December 31, 1999.

20 Section 23. The Louis de la Parte Florida Mental
21 Health Institute shall evaluate the effectiveness of the
22 specialized mental health court established in Broward County
23 to determine client and system outcomes and cost efficiencies
24 and shall make recommendations for establishing similar
25 special courts in other judicial circuits. This evaluation
26 must include tracking clients for 1 year following release
27 from the Broward County jail by the special mental health
28 court and from a county jail without a special mental health
29 court. The Louis de la Parte Florida Mental Health Institute
30 shall report to the President of the Senate and Speaker of the
31 House of Representatives on the findings of the evaluation,

1 including recommendations for any statutory revisions, by
2 October 1, 2000.

3 Section 24. For the purpose of implementing the
4 requirements of sections 19, 21, and 24 of this act, the sum
5 of \$100,000 is appropriated from the General Revenue Fund to
6 the Department of Children and Family Services for the
7 1999-2000 fiscal year. The department may not use more than
8 \$20,000 of the appropriation for the purpose of implementing
9 the requirements of section 19.

10 Section 25. This act shall take effect July 1, 1999.