

1  
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.

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