

Bill No. CS for SB's 2388 & 1946

Amendment No.

| | <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
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| 11 | Senator Holzendorf moved the following amendment: | | |
| 12 | | | |
| 13 | Senate Amendment (with title amendment) | | |
| 14 | On page 7, between lines 28 and 29, | | |
| 15 | | | |
| 16 | insert: | | |
| 17 | Section 6. Subsections (8), (9), and (10) are added to | | |
| 18 | section 397.419, Florida Statutes, to read: | | |
| 19 | 397.419 Quality assurance programs.-- | | |
| 20 | <u>(8) The quality assurance program shall be implemented</u> | | |
| 21 | <u>as part of the department's contract management process. The</u> | | |
| 22 | <u>quality assurance program shall:</u> | | |
| 23 | <u>(a) Track performance measures and standards</u> | | |
| 24 | <u>established by the Legislature as part of the</u> | | |
| 25 | <u>performance-based program budgeting process;</u> | | |
| 26 | <u>(b) Provide a framework for evaluating outcomes which</u> | | |
| 27 | <u>is separate from the performance-based program budgeting</u> | | |
| 28 | <u>process, including:</u> | | |
| 29 | <u>1. Output measures, such as capacities, technologies,</u> | | |
| 30 | <u>and infrastructure, that make up the system of care.</u> | | |
| 31 | <u>2. Process measures, such as administrative and</u> | | |

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1 clinical components of treatment.

2 3. Outcome measures pertaining to the outcomes of
3 services;

4 (c) Provide for a system of analyzing those factors
5 which have an effect on performance at the local level;

6 (d) Provide for a system of reporting the results of
7 quality assurance reviews; and

8 (e) Incorporate best practice models for use in
9 improving performance in those areas which are deficient.

10 (9) The quality assurance program shall incorporate a
11 peer review process into its protocol, to include:

12 (a) Reviews of providers by departmental district
13 staff and other providers.

14 (b) Reviews of individual districts by other
15 districts.

16 (10) Contingent upon specific appropriation, a quality
17 assurance coordinator position shall be established within
18 each service district to oversee the implementation and
19 operation of the quality assurance program.

20 Section 7. Part X of chapter 397, Florida Statutes, is
21 retitled to read:

22
23 PART X

24 JUVENILE EMERGENCY PROCEDURES AND
25 CHILDREN'S SUBSTANCE ABUSE SERVICES

26
27 Section 8. Section 397.92, Florida Statutes, is
28 created to read:

29 397.92 Children's substance abuse services system;
30 goals.--

31 (1) It is the intent of the Legislature that the

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1 children's substance abuse services system achieve the
2 following performance outcomes for children who are eligible
3 for services:

4 (a) Identification of the presenting problems and
5 conditions of substance abuse through the use of valid
6 assessment.

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

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

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

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

15 (f) Reduction of behaviors and conditions that may be
16 linked to substance abuse, such as unintended pregnancy,
17 delinquency, sexually transmitted diseases, and smoking, and
18 other negative behaviors.

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

22 (2) Pursuant to s. 216.0166, the department shall
23 annually develop performance outcomes and performance measures
24 to assess the performance of the children's substance abuse
25 services system in achieving the intent of this section.

26 Section 9. Section 397.93, Florida Statutes, is
27 created to read:

28 397.93 Children's substance abuse services; target
29 populations.--The target populations for children's substance
30 abuse services are children at risk for substance abuse and
31 children with substance abuse problems.

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- 1 (1) Children at risk for substance abuse include:
2 (a) Children who are at risk due to regular or
3 periodic exposure to negative factors related to family,
4 community, school, self, or peers. Children in this category
5 are typically placed in special prevention programs which are
6 often school-based and which emphasize the importance of
7 protective factors to reduce risk.
8 (b) Children who are at risk due to experimental and
9 social use of substances. Children in this category are
10 typically placed in early intervention programs which may
11 occur in the community or school.
12 (2) Children with substance abuse problems include:
13 (a) Children who use substances on a daily, weekly, or
14 monthly basis. Children in this category typically need
15 outpatient counseling and in some cases more structured day or
16 night treatment.
17 (b) Children with a substance dependency or addiction.
18 Children in this category typically need structured day or
19 night treatment or more intensive and longer term residential
20 treatment, with some severe cases initially in need of
21 detoxification and stabilization.
22 Section 10. Section 397.94, Florida Statutes, is
23 created to read:
24 397.94 Children's substance abuse services;
25 information and referral network.--
26 (1) Each service district of the department shall
27 develop a plan for and implement a districtwide comprehensive
28 children's substance abuse information and referral network to
29 be operational by July 1, 2000.
30 (2) In order to ensure access and appropriate
31 referral, the network shall be incorporated into the

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1 district's child and adolescent mental health information and
2 referral network provided for under s. 394.4985 and, by July
3 1, 2000, renamed the referral network the children's substance
4 abuse and mental health information and referral network.

5 Districts shall submit a plan to the secretary of the
6 department regarding the integration of the substance abuse
7 services information and referral network with the child and
8 adolescent mental health information and referral network no
9 later than December 1, 1999.

10 (3) The district shall determine the most
11 cost-effective method for delivering this service and may
12 select a new provider or utilize an existing provider or
13 providers with a record of success in providing information
14 and referral services.

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

17 (b) The plan must provide assurances that the
18 information and referral network will include a resource
19 directory that contains information regarding the children's
20 substance abuse services available, including, but not limited
21 to:

22 1. Public and private resources by service component,
23 including resources for involuntary admissions under s.
24 397.675.

25 2. Hours of operation and hours during which services
26 are provided.

27 3. Ages of persons served.

28 4. Description of services.

29 5. Eligibility requirements.

30 6. Fee schedules.

31 (c) Maintain and annually update information regarding

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1 private practitioners in the community who provide substance
2 abuse services to children.

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

5 1. Number of calls by type of service requested, if
6 any;

7 2. Ages of children for whom services are requested;
8 and

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

11 (e) Develop and implement procedures for sharing
12 information with participating community agencies and
13 resources.

14 (4) In planning the information and referral network,
15 the district shall consider the establishment of a 24-hour
16 toll-free telephone number to call for information and a
17 public service campaign to inform the public about the
18 information and referral service.

19 Section 11. Section 397.95, Florida Statutes, is
20 created to read:

21 397.95 Children's substance abuse services; services
22 provided by licensed providers.--Each service district of the
23 department shall ensure that all screening, intake,
24 assessment, enrollment, service planning, and case management
25 services provided under this part are provided by children's
26 substance abuse services providers licensed under part II and
27 in accordance with standards set forth in department rules.

28 Section 12. Section 397.951, Florida Statutes, is
29 created to read:

30 397.951 Treatment and sanctions.--The Legislature
31 recognizes that the integration of treatment and sanctions

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1 greatly increases the effectiveness of substance abuse
2 treatment. It is the responsibility of the department and the
3 substance abuse treatment provider to employ the full measure
4 of sanctions available to require participation and completion
5 of treatment to ensure successful outcomes for children in
6 substance abuse treatment.

7 (1) Pursuant to the provisions of this chapter, the
8 department shall ensure that substance abuse treatment
9 providers develop and manage treatment plans that are
10 appropriate to the severity of the substance abuse problem and
11 tailored to the individual needs of the child.

12 (2) The department shall ensure that substance abuse
13 treatment providers employ any and all appropriate available
14 sanctions necessary to engage, motivate, and maintain a child
15 in treatment, including, but not limited to, provisions in law
16 that:

17 (a) Provide for parental participation in treatment
18 for involuntary admission to treatment, as provided in part IV
19 of this chapter.

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

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

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

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

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

8 (g) Authorize the court to mandate services for
9 children and their families in dependency proceedings under
10 chapter 39, and children and families in need of services
11 under chapter 984.

12 (h) Provide that the use, possession, or sale of
13 controlled substances, as defined in chapter 893, or
14 possession of electronic telephone pagers, by any student
15 while such student is upon school property or in attendance at
16 a school function is grounds for disciplinary action by the
17 school and may also result in criminal penalties being imposed
18 pursuant to s. 232.26.

19 (i) Provide that, pursuant to s. 322.056, for any
20 person under 18 years of age who is found guilty of or
21 delinquent for a violation of s. 562.11(2), s. 562.111, or
22 chapter 893, and is eligible by reason of age for a driver's
23 license or driving privilege, the court shall direct the
24 Department of Highway Safety and Motor Vehicles to revoke or
25 to withhold issuance of his or her driver's license or driving
26 privilege for a period of:

27 1. Not less than 6 months and not more than 1 year for
28 the first violation.

29 2. Two years, for a subsequent violation.

30 Section 13. Section 397.96, Florida Statutes, is
31 created to read:

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1 397.96 Case management for complex substance abuse
2 cases.--

3 (1) Contingent upon specific appropriations, it is the
4 intent of the Legislature to provide for a more intensive
5 level of case management for complex cases involving children
6 who need substance abuse services. Such services shall be
7 directed toward children receiving services from several
8 agencies or programs to address the complex problems created
9 by substance abuse, dependency, or addiction.

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

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

15 (a) Implementing a treatment plan;

16 (b) Advocacy;

17 (c) Linking services providers to a child and family;

18 (d) Monitoring services delivery; and

19 (e) Collecting information to determine the effect of
20 services and treatment.

21 (4) The case manager shall periodically review
22 services utilization to ascertain compliance with plans
23 approved by the planning team.

24 (5) The department shall establish by rule standards
25 to coordinate case management activities from various referral
26 points, in order to minimize fragmentation and duplication and
27 promote stability of case managers assigned to a child and
28 family. In the attempt to minimize duplication, it is the
29 intent of the Legislature that a child have no more than one
30 case manager.

31 Section 14. Section 397.97, Florida Statutes, is

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1 created to read:

2 397.97 Children's substance abuse services;
3 demonstration models.--

4 (1) CREATION; PURPOSE.--There is created the
5 Children's Network of Care Demonstration Models to operate,
6 for 4 years, for children who are at risk of substance abuse
7 or who have substance abuse problems. The purpose of the
8 demonstration models is to encourage collaboration among the
9 department, the Agency for Health Care Administration, the
10 Department of Education, the Department of Health, the
11 Department of Juvenile Justice, local government agencies, and
12 any other interested party, through a partnership agreement
13 entered into to provide a locally organized network of care
14 for children and their families. The demonstration models
15 must:

- 16 (a) Be implemented using existing funds;
- 17 (b) Center on the child and his or her family;
- 18 (c) Promote integration and coordination of services;
- 19 (d) Provide for accountable outcomes; and
- 20 (e) Emphasize the provision of services in the least
21 restrictive, most appropriate setting, utilizing uniform
22 placement criteria established in rule of the department.

23 (2) GOAL.--The goal of the Children's Network of Care
24 Demonstration Models is to create an effective interagency
25 strategy for delivering substance abuse services to the target
26 populations through a local network of service providers. The
27 specific objectives of this strategy are to:

- 28 (a) Develop standardized forms and uniform procedures
29 which shall be used for screening, intake, assessment,
30 enrollment, service planning, case management, and utilization
31 management;

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- 1 (b) Eliminate duplication of services;
- 2 (c) Employ natural supports in the family and the
- 3 community to help meet the service needs of the child who is
- 4 at risk of substance abuse or has a substance abuse problem;
- 5 (d) Improve interagency planning efforts through
- 6 greater collaboration between public and private
- 7 community-based agencies;
- 8 (e) Test creative and flexible strategies for
- 9 financing the care of children who are at risk of substance
- 10 abuse or have a substance abuse problem; and
- 11 (f) Share information about the child with appropriate
- 12 community agencies.
- 13 (3) PURCHASE OF SERVICES; OPERATION CRITERIA.--
- 14 (a) Each demonstration model shall be governed by a
- 15 multiagency consortium of state and county agencies or other
- 16 public agencies, or a community-based, not-for-profit
- 17 substance abuse or behavioral health network designated by the
- 18 department, hereafter referred to as the purchasing agent,
- 19 which shall purchase individualized services for children who
- 20 are at risk of substance abuse or have a substance abuse
- 21 problem. Services shall be based on client need rather than on
- 22 traditional services limited to narrowly defined cost centers
- 23 or appropriations categories. Approval to operate as a
- 24 Children's Network of Care Demonstration Model shall be given
- 25 by the secretary of the department and shall be based on
- 26 criteria developed by the department.
- 27 (b) The local purchasing agent is responsible for
- 28 designing a well-defined network of experienced substance
- 29 abuse services providers. At a minimum, the consortium shall:
- 30 1. Specify the capacity and composition of the
- 31 provider network;

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- 1 2. Approve providers for the network;
2 3. Ensure enrollees' access to network services;
3 4. Subcontract with providers;
4 5. Establish qualification standards for provider
5 staff; and
6 6. Monitor providers' performance.
7 (4) COLLABORATION.--Demonstration models established
8 under this section may enter into collaborative partnership
9 with demonstration models established pursuant to s. 394.498.
10 Section 15. Section 397.98, Florida Statutes, is
11 created to read:
12 397.98 Children's substance abuse services;
13 utilization management.--
14 (1) Utilization management shall be an integral part
15 of each Children's Network of Care Demonstration Model as
16 described under s. 397.97. The utilization management process
17 shall include procedures for analyzing the allocation and use
18 of resources by the purchasing agent. Such procedures shall
19 include:
20 (a) Monitoring the appropriateness of admissions to
21 residential services or other levels of care as determined by
22 the department.
23 (b) Monitoring the duration of care.
24 (c) Developing profiles of network providers which
25 describe their patterns of delivering care.
26 (d) Authorizing care for high-cost services.
27 (2) The procedures shall be established by the
28 purchasing agent in consultation with the department and are
29 subject to approval by the secretary of the department. The
30 implementation of utilization management within the
31 demonstration models shall be contingent upon the availability

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1 of funds.

2 Section 16. Section 397.99, Florida Statutes, is
3 created to read:

4 397.99 School substance abuse prevention partnership
5 grants.--

6 (1) GRANT PROGRAM.--

7 (a) In order to encourage the development of effective
8 substance abuse prevention and early intervention strategies
9 for school-age populations, the school substance abuse
10 prevention partnership grant program is established.

11 (b) The department shall administer the program in
12 cooperation with the Department of Education and the
13 Department of Juvenile Justice.

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

15 (a) Schools, or community-based organizations in
16 partnership with schools, may submit a grant proposal for
17 funding or continued funding to the department by March 1 of
18 each year. The department shall establish grant application
19 procedures which ensure that grant recipients implement
20 programs and practices that are effective. The department
21 shall include the grant application document on an Internet
22 website.

23 (b) Grants may fund programs to conduct prevention
24 activities serving students who are not involved in substance
25 use, intervention activities serving students who are
26 experimenting with substance use, or both prevention and
27 intervention activities, if a comprehensive approach is
28 indicated as a result of a needs assessment.

29 (c) Grants may target youth, parents, and teachers and
30 other school staff, coaches, social workers, case managers,
31 and other prevention stakeholders.

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1 (d) Performance measures for grant program activities
2 shall measure improvements in student attitudes or behaviors
3 as determined by the department.

4 (e) At least 50 percent of the grant funds available
5 for local projects must be allocated to support the
6 replication of prevention programs and practices that are
7 based on research and have been evaluated and proven
8 effective. The department shall develop related qualifying
9 criteria.

10 (f) In order to be considered for funding, the grant
11 application shall include the following assurances and
12 information:

13 1. A letter from the administrators of the programs
14 collaborating on the project, such as the school principal,
15 community-based organization executive director, or recreation
16 department director, confirming that the grant application has
17 been reviewed and that each partner is committed to supporting
18 implementation of the activities described in the grant
19 proposal.

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

22 a. An analysis of prevention issues related to the
23 substance abuse prevention profile of the target population.

24 b. A description of other primary substance use and
25 related risk factors.

26 c. Goals and objectives based on the findings of the
27 needs assessment.

28 d. The selection of programs or strategies that have
29 been shown to be effective in addressing the findings of the
30 needs assessment.

31 e. A method of identifying the target group for

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1 universal prevention strategies, and a method for identifying
2 the individual student participants in selected and indicated
3 prevention strategies.

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

5 g. Provisions for the participation of parents and
6 guardians in the program.

7 h. An evaluation component to measure the
8 effectiveness of the program in accordance with
9 performance-based program budgeting effectiveness measures.

10 i. A program budget, which includes the amount and
11 sources of local cash and in-kind resources committed to the
12 budget and which establishes, to the satisfaction of the
13 department, that the entity will make a cash or in-kind
14 contribution to the program of a value that is at least 25
15 percent of the amount of the grant.

16 (g) The department shall consider the following in
17 awarding such grants:

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

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

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

24 (3) The department shall coordinate the review of
25 grant applications with the Department of Education and the
26 Department of Juvenile Justice and shall make award
27 determinations no later than June 30 of each year. All
28 applicants shall be notified by the department of its final
29 action.

30 (4) Each entity that is awarded a grant as provided
31 for in this section shall submit performance and output

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1 information as determined by the department.

2 (5) The department shall establish rules as necessary
3 to implement this section.

4 Section 17. Section 397.997, Florida Statutes, is
5 created to read:

6 397.997 Prevention resources; Internet website.--

7 (1) The department shall develop a publicly available
8 substance abuse prevention Internet website. The information
9 on the Internet website shall target youth and their parents,
10 teachers, and other stakeholders.

11 (2) The Internet website shall incorporate, at a
12 minimum, the following components:

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

15 (b) The health, social, and legal effects of alcohol,
16 tobacco, and other drug use on individuals, families, schools,
17 and the economy;

18 (c) National, state, and local substance abuse
19 prevention and treatment resources; and

20 (d) Classroom, home, and individual instructional
21 activities and games geared to teach targeted youth about the
22 harmful effects of alcohol, tobacco, or other drug use,
23 refusal and other prevention skills, and how to get help for
24 someone using drugs.

25 Section 18. Section 397.998, Florida Statutes, is
26 created to read:

27 397.998 Drug-free communities support match grants.--

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

30 (a) Assist community coalitions in an effort to secure
31 federal drug-free communities support program grants under

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1 Pub. L. No. 105-20.

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

4 (c) Enable community coalitions to strengthen
5 collaboration efforts among public and private agencies to
6 reduce substance abuse among youth.

7 (2) APPLICATION PROCESS.--

8 (a) Contingent upon specific appropriations, the
9 department shall establish a program to provide drug-free
10 communities match grants.

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

14 (3) ELIGIBLE APPLICANTS.--

15 (a) Community coalitions whose members have worked
16 together on substance abuse reduction initiatives for a period
17 of not less than 6 months are eligible to apply for match
18 grant funds.

19 (b) The coalition must represent the targeted
20 community and include at least one representative of each of
21 the following groups: local Department of Children and Family
22 Services official; youth; parents; business community; media;
23 schools; organizations serving youth; law enforcement
24 agencies; religious or fraternal organizations; civic and
25 volunteer groups; health care professionals; other local or
26 tribal governmental agencies with an expertise in the field of
27 substance abuse, including, if applicable, the state authority
28 with primary authority for substance abuse; and other
29 organizations involved in reducing substance abuse.

30 (c) To demonstrate that the coalition meets the stated
31 criteria, the applicant must submit examples or formal

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1 agreements, such as memorandums of understanding, previous
2 newsletters or publications, or other examples of print media
3 coverage that are dated within 6 months prior to submittal of
4 the application.

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

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

12 (6) RULES.--The department is authorized to adopt
13 rules specifically to address procedures necessary to
14 administer the drug-free communities match grants as provided
15 in this section.

16
17 (Redesignate subsequent sections.)

18
19
20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 On page 1, line 15, following the semicolon

23
24 insert:

25 amending s. 397.419, F.S.; providing quality
26 assurance program requirements for substance
27 abuse services; providing for district quality
28 assurance coordinators, contingent upon
29 specific appropriation; creating s. 397.92,
30 F.S.; providing goals of the children's
31 substance abuse services system; creating s.

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1 397.93, F.S.; specifying target populations;
2 creating s. 397.94, F.S.; requiring each
3 district of the Department of Children and
4 Family Services to develop a children's
5 substance abuse information and referral
6 network by a specified date; creating s.
7 397.95, F.S.; requiring certain service
8 providers to comply with licensure requirements
9 and department rules; creating s. 397.951,
10 F.S.; providing for the integration of
11 treatment and sanctions; creating s. 397.96,
12 F.S.; providing for intensive case management
13 for certain complex cases; creating s. 397.97,
14 F.S.; creating the Children's Network of Care
15 Demonstration Models for local delivery of
16 substance abuse services; providing a time
17 limitation; providing for purchase of services;
18 providing criteria for operation; creating s.
19 397.98, F.S.; providing for utilization
20 management under the demonstration models;
21 creating s. 397.99, F.S.; providing for award
22 of school substance abuse prevention
23 partnership grants; providing procedures for
24 application and review; providing criteria for
25 funding and requirements for operation of
26 programs funded; providing for rules; creating
27 s. 397.997, F.S.; providing for a prevention
28 website; creating s. 397.998, F.S.; directing
29 the department to establish a program to
30 provide drug-free communities support match
31 grants, contingent upon specific

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1 appropriations; providing purposes,
2 eligibility, and procedures; authorizing
3 department rules;
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