

By the Committee on Children and Families

300-506-99

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

1 the Department of Children and Family Services
2 to prepare a single report by a specified date;
3 providing an appropriation; providing an
4 effective date.

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

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

25 (a) Prebooking or postbooking interventions;
26 (b) Ways in which mental health professionals may
27 assist law enforcement agencies with difficult mental health
28 cases;

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

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

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

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

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

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

1 states which have proven to be the most effective in meeting
2 performance standards, including those identified pursuant to
3 section 216.0166, Florida Statutes, with the misdemeanor
4 population. The review must include details about the cost
5 savings that are associated with those programs and must
6 explain how those long-term or short-term cost savings are
7 achieved. The Institute shall submit a final report on its
8 findings, conclusions, and recommendations to the President of
9 the Senate and Speaker of the House of Representatives by
10 January 1, 2001. The report must specify what results can be
11 expected based on the current level of resources, as well as
12 specify additional resources that are needed to adequately
13 serve the misdemeanor population. A preliminary report on the
14 status of the review must be submitted to the President of the
15 Senate and Speaker of the House of Representatives on January
16 1, 2000.

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

30 Section 3. The Department of Children and Family
31 Services, in consultation with the Office of the State Courts

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

15 Section 4. The district forensic coordinators of the
16 Department of Children and Family Services shall assess the
17 provision of in-jail mental health diagnostic and treatment
18 services. The department shall prepare a report of its
19 findings, conclusions, and recommendations by December 31,
20 1999, including any proposed statutory revisions.

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

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

