

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 convicted of a violation of chapter 794, chapter
18 800, chapter 827, or chapter 847, Florida Statutes, or
19 convicted of a similar offense in a foreign jurisdiction, when
20 the victim was under 18 years of age, shall not be diverted
21 from the criminal justice system to the mental health system
22 under these strategies or alternatives. At a minimum, the
23 district diversion strategies must consider:

- 24 (a) Prebooking or postbooking interventions;
25 (b) Ways in which mental health professionals may
26 assist law enforcement agencies with difficult mental health
27 cases;
28 (c) Information-sharing among community entities
29 regarding persons with mental illness who are frequently
30 arrested for misdemeanors, in order to improve early
31 identification and treatment of these persons;

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

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

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

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

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

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

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

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

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

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

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

25 Section 6. The Louis de la Parte Florida Mental Health
26 Institute shall evaluate the effectiveness of the specialized
27 mental health court established in Broward County to determine
28 client and system outcomes and cost efficiencies and shall
29 make recommendations for establishing similar special courts
30 in other judicial circuits. This evaluation must include
31 tracking clients for 1 year following release from the Broward

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

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

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