

By the Committee on Children and Families

300-873-00

1 A bill to be entitled
2 An act relating to substance abuse and mental
3 health services; amending s. 394.455, F.S.;
4 redefining the term "mental illness" for
5 purposes of part I of ch. 394, F.S.; amending
6 s. 394.492, F.S.; redefining the term "child or
7 adolescent who is experiencing an acute mental
8 or emotional crisis" for purposes of part III
9 of ch. 394, F.S.; amending s. 394.493, F.S.;
10 revising the income standard that is the basis
11 for a sliding fee scale adopted by the
12 Department of Children and Family Services for
13 mental health services provided to children and
14 adolescents; amending s. 394.65, F.S.;
15 redesignating part IV of ch. 394, F.S., as "The
16 Community Substance Abuse and Mental Health
17 Services Act"; amending s. 394.66, F.S.;
18 providing legislative intent with respect to
19 substance abuse and mental health services;
20 amending s. 394.67, F.S.; providing additional
21 definitions; creating s. 394.674, F.S.;
22 providing criteria for clinical eligibility and
23 fee-collection requirements for substance abuse
24 and mental health services funded by the
25 Department of Children and Family Services;
26 providing requirements for the department in
27 the provision of crisis services, substance
28 abuse services, and mental health services;
29 specifying requirements for counties in
30 spending certain funds for local substance
31 abuse and mental health services; authorizing

1 the use of funds for activities to prevent
2 substance abuse; requiring that the Department
3 of Children and Family Services adopt rules;
4 requiring the department to establish a sliding
5 fee scale for clients who receive substance
6 abuse and mental health services; amending s.
7 394.675, F.S.; revising the types of services
8 provided by the department under the substance
9 abuse and mental health service system;
10 creating s. 394.676, F.S., relating to the
11 Indigent Psychiatric Medication Program;
12 requiring the department to adopt rules;
13 amending s. 394.74, F.S., relating to contracts
14 for substance abuse and mental health programs;
15 conforming provisions to changes made by the
16 act; amending s. 394.75, F.S.; requiring
17 district health and human services boards
18 rather than planning councils to prepare
19 substance abuse and mental health plans;
20 providing requirements for the plans; revising
21 the population groups to be addressed in the
22 plans to conform to changes made by the act;
23 amending ss. 394.76, 394.77, 394.78, 394.79,
24 394.908, F.S., relating to the financing of
25 district programs and services, uniform
26 information and reporting systems, procedures
27 for audits and dispute resolution, and
28 distribution of appropriations; conforming
29 provisions to changes made by the act;
30 requiring the Department of Children and Family
31 Services to submit a master plan to the

1 Legislature for implementing a publicly funded,
2 community-based system of care for mental
3 health and substance abuse services; providing
4 requirements for the master plan; requiring the
5 department to submit a report to the
6 Legislature which describes the compliance of
7 providers with performance outcome standards;
8 providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Subsection (18) of section 394.455, Florida
13 Statutes, is amended to read:

14 394.455 Definitions.--As used in this part, unless the
15 context clearly requires otherwise, the term:

16 (18) "Mental illness" means an impairment of the
17 mental or emotional processes that exercise conscious control
18 of one's actions or of the ability to perceive or understand
19 reality, which impairment substantially interferes with a
20 person's ability to meet the ordinary demands of living,
21 regardless of etiology. For the purposes of this part, the
22 term does not include retardation or developmental disability
23 as defined in chapter 393, intoxication, or conditions
24 manifested only by antisocial behavior or substance abuse
25 impairment.

26 Section 2. Subsection (7) of section 394.492, Florida
27 Statutes, is amended to read:

28 394.492 Definitions.--As used in ss. 394.490-394.497,
29 the term:

30 (7) "Child or adolescent who is experiencing an acute
31 mental or emotional crisis" means a child or adolescent who

1 experiences a psychotic episode or a high level of mental or
2 emotional distress which may be precipitated by a traumatic
3 event or a perceived life problem for which the individual's
4 typical coping strategies are inadequate. The term ~~an acute~~
5 ~~mental or emotional problem~~ and includes a child or adolescent
6 who meets the criteria for involuntary examination specified
7 in s. 394.463(1).

8 Section 3. Subsection (2) of section 394.493, Florida
9 Statutes, is amended to read:

10 394.493 Target populations for child and adolescent
11 mental health services funded through the department.--

12 (2) Each mental health provider under contract with
13 the department to provide mental health services to the target
14 population shall collect fees from the parent or legal
15 guardian of the child or adolescent receiving services. The
16 fees shall be based on a sliding fee scale for families whose
17 net family income is at or above 150 ~~between 100 percent and~~
18 ~~200 percent~~ of the Federal Poverty Income Guidelines. The
19 department shall adopt, by rule, a sliding fee scale for
20 statewide implementation. ~~A family whose net family income is~~
21 ~~200 percent or more above the Federal Poverty Income~~
22 ~~Guidelines is responsible for paying the cost of services.~~
23 Fees collected from families shall be retained in the service
24 district and used for expanding child and adolescent mental
25 health treatment services.

26 Section 4. Section 394.65, Florida Statutes, is
27 amended to read:

28 394.65 Short title.--This part may be cited ~~shall be~~
29 ~~known~~ as "The Community Substance Alcohol, Drug Abuse, and
30 Mental Health Services Act."

31

1 Section 5. Section 394.66, Florida Statutes, is
2 amended to read:

3 394.66 Legislative intent with respect to substance
4 ~~alcohol, drug~~ abuse, and mental health services.--It is the
5 intent of the Legislature to:

6 (1) Recognize that mental illness and substance abuse
7 impairment are diseases that are responsive to medical and
8 psychological interventions and management that integrate
9 treatment, rehabilitative, and support services to achieve
10 quality and cost-efficient outcomes for clients and for
11 community-based treatment systems.

12 (2)~~(1)~~ Promote and improve the mental health of the
13 citizens of the state by making substance abuse and mental
14 health treatment and support services available to those
15 persons who are most in need and least able to pay through a
16 community-based system of care comprehensive, coordinated
17 alcohol, drug abuse, and mental health services.

18 (3)~~(2)~~ Involve local citizens in the planning of
19 substance alcohol, drug abuse, and mental health services in
20 their communities.

21 (4) Ensure that the department and the Agency for
22 Health Care Administration work cooperatively in planning and
23 designing comprehensive community-based substance abuse and
24 mental health programs that focus on the individual needs of
25 clients.

26 (5)~~(3)~~ Ensure that all activities of the Department of
27 Children and Family Services, the Agency for Health Care
28 Administration, and their respective contract providers
29 involved in the delivery of substance its contractors are
30 directed toward the coordination of planning efforts in
31 alcohol, drug abuse, and mental health treatment and

1 prevention services are coordinated and integrated with other
2 local systems and groups, public and private, such as juvenile
3 justice, criminal justice, child protection, and public health
4 organizations; school districts; and local groups or
5 organizations that focus on services to older adults.

6 (6)~~(4)~~ Provide access to crisis services to all
7 residents of the state with priority of attention being given
8 to individuals exhibiting symptoms of acute ~~or chronic~~ mental
9 illness, ~~alcohol abuse,~~ or substance drug abuse.

10 (7) Ensure that services provided to persons with
11 co-occurring mental illness and substance abuse problems be
12 integrated across treatment systems.

13 (8)~~(5)~~ Ensure continuity of care, consistent with
14 minimum standards, for persons who are released from a state
15 treatment facility into the community.

16 (9)~~(6)~~ Provide accountability for service provision
17 through statewide standards for treatment and support services
18 and statewide standards for management, monitoring, and
19 reporting of information.

20 (10)~~(7)~~ Include substance alcohol, ~~drug~~ abuse, and
21 mental health services as a component of the integrated
22 service delivery system of the Department of Children and
23 Family Services.

24 (11)~~(8)~~ Ensure that the districts of the department
25 are the focal point of all substance alcohol, ~~drug~~ abuse, and
26 mental health planning activities, including budget
27 submissions, grant applications, contracts, and other
28 arrangements that can be effected at the district level.

29 (12)~~(9)~~ Organize and finance community substance
30 alcohol, ~~drug~~ abuse, and mental health services in local
31 communities throughout the state through locally administered

1 service delivery programs that are based on client outcomes,
2 are programmatically effective, and are financially efficient,
3 and that maximize the involvement of local citizens.

4 Section 6. Section 394.67, Florida Statutes, is
5 amended to read:

6 394.67 Definitions.--As used in this part, the term:

7 (1) "Adult at risk of mental illness" means a person
8 18 years of age or older who has an increased likelihood of
9 mental illness due to factors such as having a family history
10 of mental illness or substance abuse; abusing substances;
11 being or having been a victim of abuse, neglect, abandonment,
12 exploitation, or domestic violence; having problems associated
13 with aging; being homeless; experiencing the death of a family
14 member; being chronically unemployed; being the victim of a
15 crime; or being infected with human immunodeficiency virus
16 (HIV).

17 (2) "Adult at risk of substance abuse impairment"
18 means a person 18 years of age or older who has an increased
19 likelihood of substance abuse impairment due to factors such
20 as having a family history of substance abuse; experiencing
21 persistent substance abuse problems; experiencing persistent
22 mental-health problems; misusing medications; being or having
23 been a victim of abuse, neglect, abandonment, exploitation, or
24 domestic violence; having problems associated with aging;
25 being homeless; experiencing the death of a family member;
26 being the victim of a crime; experiencing negative
27 socioeconomic conditions such as unemployment; or being
28 infected with human immunodeficiency virus (HIV).

29 (3) "Adult who has a serious mental illness" means a
30 person 18 years of age or older who meets one of the
31 diagnostic categories in the most recent edition of the

1 Diagnostic and Statistical Manual of Mental Disorders of the
2 American Psychiatric Association, with the exception of
3 substance abuse disorders and developmental disorders, and who
4 exhibits behaviors that substantially interfere with or limit
5 functioning in one or more major life activities, including
6 basic daily living skills, such as eating, bathing, or
7 dressing; instrumental living skills, such as maintaining a
8 household or managing money; getting around the community;
9 taking prescribed medication; or functioning in social,
10 family, vocational, or educational contexts. The term includes
11 an adult who meets the criteria for involuntary placement
12 under s. 394.467(1).

13 (4) "Adult who has a substance abuse impairment" means
14 a person 18 years of age or older who meets the diagnostic
15 requirements for substance abuse or substance dependence under
16 Substance-Related Disorders in the most recent edition of the
17 Diagnostic and Statistical Manual of Mental Disorders of the
18 American Psychiatric Association.

19 ~~(1) "Advisory council" means a district advisory~~
20 ~~council.~~

21 ~~(5)(2)~~ "Agency" means the Agency for Health Care
22 Administration.

23 ~~(6)(3)~~ "Applicant" means an individual applicant, or
24 any officer, director, agent, managing employee, or affiliated
25 person, or any partner or shareholder having an ownership
26 interest equal to a 5-percent or greater interest in the
27 corporation, partnership, or other business entity.

28 ~~(7)(4)~~ "Client" means any individual receiving
29 services in any substance alcohol, drug abuse, or mental
30 health facility, program, or service, which facility, program,
31

1 or service is operated, funded, or regulated by the agency and
2 the department or regulated by the agency.

3 (8) "Crisis services" means short-term evaluation,
4 stabilization, and brief intervention services provided to a
5 person who is experiencing an acute mental or emotional
6 crisis, as defined in subsection (22), or an acute substance
7 abuse crisis, as defined in subsection (23), to prevent
8 further deterioration of the person's mental health. Crisis
9 services are provided in settings such as a
10 crisis-stabilization unit, an inpatient unit, a short-term
11 residential treatment program, a detoxification facility, or
12 an addictions receiving facility; at the site of the crisis by
13 a mobile crisis-response team; or at a hospital on an
14 outpatient basis.

15 (9)~~(5)~~ "Crisis-stabilization ~~Crisis stabilization~~
16 unit" means a program that provides an alternative to
17 inpatient hospitalization and that provides brief, intensive
18 services 24 hours a day, 7 days a week, for mentally ill
19 individuals who are in an acutely disturbed state.

20 (10)~~(6)~~ "Department" means the Department of Children
21 and Family Services.

22 (11)~~(7)~~ "Director" means any member of the official
23 board of directors reported in the organization's annual
24 corporate report to the Florida Department of State, or, if no
25 such report is made, any member of the operating board of
26 directors. The term excludes members of separate, restricted
27 boards that serve only in an advisory capacity to the
28 operating board.

29 (12)~~(8)~~ "District administrator" means the person
30 appointed by the Secretary of Children and Family Services for
31

1 the purpose of administering a department service district as
2 set forth in s. 20.19.

3 (13)~~(9)~~ "District plan" or "plan" means the combined
4 district substance ~~alcohol, drug~~ abuse, and mental health plan
5 approved by the district administrator and governing bodies in
6 accordance with this part.

7 (14)~~(10)~~ "Federal funds" means funds from federal
8 sources for substance ~~alcohol, drug~~ abuse, or mental health
9 facilities and programs, exclusive of federal funds that are
10 deemed eligible by the Federal Government, and are eligible
11 through state regulation, for matching purposes.

12 (15)~~(11)~~ "Governing body" means the chief legislative
13 body of a county, a board of county commissioners, or boards
14 of county commissioners in counties acting jointly, or their
15 counterparts in a charter government.

16 (16) "Health and human services board" or "board"
17 means the board within a district or subdistrict of the
18 department which is established in accordance with s. 20.19
19 and designated in this part for the purpose of assessing the
20 substance abuse and mental health needs of the community and
21 developing a plan to address those needs.

22 (17)~~(12)~~ "Licensed facility" means a facility licensed
23 in accordance with this chapter.

24 (18)~~(13)~~ "Local matching funds" means funds received
25 from governing bodies of local government, including city
26 commissions, county commissions, district school boards,
27 special tax districts, private hospital funds, private gifts,
28 both individual and corporate, and bequests and funds received
29 from community drives or any other sources.

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31

1 ~~(19)(14)~~ "Managing employee" means the administrator
2 or other similarly titled individual who is responsible for
3 the daily operation of the facility.

4 (20) "Mental health services" means those therapeutic
5 interventions and activities that help to eliminate, reduce,
6 or manage symptoms or distress for persons who have severe
7 emotional distress or a mental illness and to effectively
8 manage the disability that often accompanies a mental illness
9 so that the person can recover from the mental illness, become
10 appropriately self-sufficient for his or her age, and live in
11 a stable family or in the community. The term also includes
12 those preventive interventions and activities that reduce the
13 risk for or delay the onset of mental disorders. The term
14 includes the following types of services:

15 (a) Treatment services, such as psychiatric
16 medications and supportive psychotherapies, which are intended
17 to reduce or ameliorate the symptoms of severe distress or
18 mental illness.

19 (b) Rehabilitative services, which are intended to
20 reduce or eliminate the disability that is associated with
21 mental illness. Rehabilitative services may include assessment
22 of personal goals and strengths, readiness preparation,
23 specific skill training, and assistance in designing
24 environments that enable individuals to maximize their
25 functioning and community participation.

26 (c) Support services, which include services that
27 assist individuals in living successfully in environments of
28 their choice. Such services may include income supports,
29 social supports, housing supports, vocational supports, or
30 accommodations related to the symptoms or disabilities
31 associated with mental illness.

1 (d) Case-management services, which are intended to
2 assist individuals in obtaining the formal and informal
3 resources that they need to successfully cope with the
4 consequences of their illness. Resources may include treatment
5 or rehabilitative or supportive interventions by both formal
6 and informal providers. Case management may include an
7 assessment of client needs; intervention planning with the
8 client, his or her family, and service providers; linking the
9 client to needed services; monitoring service delivery;
10 evaluating the effect of services and supports; and advocating
11 on behalf of the client.

12 (e) Prevention services, which include universal
13 preventive interventions intended for general populations,
14 selective preventive interventions for groups known to be at
15 higher risk, and indicated preventive interventions for
16 individuals who have signs or symptoms signifying mental
17 disorders. Preventive interventions may include educational
18 activities, mutual and other support groups, targeted-skills
19 training, and other services associated with reduced risk for
20 developing disorders.

21
22 Mental health services may be delivered in a variety of
23 settings, such as inpatient, residential, partial hospital,
24 day treatment, outpatient, club house, or a drop-in or
25 self-help center, as well as in other community settings, such
26 as the client's residence or workplace. The types and
27 intensity of services provided shall be based on the client's
28 clinical status and goals, community resources, and
29 preferences. Services such as assertive community treatment
30 involve all four types of services which are delivered by a
31

1 multidisciplinary treatment team that is responsible for
2 identified individuals who have a serious mental illness.

3 (21)(15) "Patient fees" means compensation received by
4 a community substance alcohol, drug abuse, or mental health
5 facility for services rendered to a specific client ~~clients~~
6 from any source of funds, including city, county, state,
7 federal, and private sources.

8 (22) "Person who is experiencing an acute mental or
9 emotional crisis" means a child, adolescent, or adult who is
10 experiencing a psychotic episode or a high level of mental or
11 emotional distress which may be precipitated by a traumatic
12 event or a perceived life problem for which the individual's
13 typical coping strategies are inadequate. The term includes an
14 individual who meets the criteria for involuntary examination
15 specified in s. 394.463(1).

16 (23) "Person who is experiencing an acute substance
17 abuse crisis" means a child, adolescent, or adult who is
18 experiencing a medical or emotional crisis because of the use
19 of alcoholic beverages or any psychoactive or mood-altering
20 substance. The term includes an individual who meets the
21 criteria for involuntary admission specified in s. 397.675.

22 (24)(16) "Premises" means those buildings, beds, and
23 facilities located at the main address of the licensee and all
24 other buildings, beds, and facilities for the provision of
25 acute or residential care which are located in such reasonable
26 proximity to the main address of the licensee as to appear to
27 the public to be under the dominion and control of the
28 licensee.

29 (25)(17) "Program office" means the Alcohol, Drug
30 Abuse, and Mental Health Program Office of the Department of
31 Children and Family Services.

1 (26) "Sliding fee scale" means a schedule of fees for
2 identified services delivered by a service provider which are
3 based on a uniform schedule of discounts deducted from the
4 service provider's usual and customary charges. These charges
5 must be consistent with the prevailing market rates in the
6 community for comparable services.

7 (27) "Substance abuse services" means services
8 designed to prevent or remediate the consequences of substance
9 abuse, improve an individual's quality of life and
10 self-sufficiency, and support long-term recovery. The term
11 includes the following service categories:

12 (a) Prevention services, which include information
13 dissemination; education regarding the consequences of
14 substance abuse; alternative drug-free activities; problem
15 identification; referral of persons to appropriate prevention
16 programs; community-based programs that involve members of
17 local communities in prevention activities; and environmental
18 strategies to review, change, and enforce laws that control
19 the availability of controlled and illegal substances.

20 (b) Assessment services, which include the diagnoses,
21 assessment, and evaluation of individuals and families in
22 order to identify their strengths and determine their required
23 level of care, motivation, and need for treatment and
24 ancillary services.

25 (c) Intervention services, which include early
26 identification, short-term counseling and referral, and
27 outreach.

28 (d) Rehabilitation services, which include
29 residential, outpatient, day or night, case-management,
30 in-home, psychiatric, and medical treatment, and methadone or
31 medication management.

1 (e) Ancillary services, which include self-help and
2 other support groups and activities; aftercare provided in a
3 structured, therapeutic environment; supported housing;
4 supported employment; vocational services; and educational
5 services.

6 ~~(28)(18)~~ "Residential treatment facility" means a
7 facility providing residential care and treatment to
8 individuals exhibiting symptoms of mental illness who are in
9 need of a 24-hour-per-day, 7-day-a-week structured living
10 environment, respite care, or long-term community placement.

11 ~~(29)(19)~~ "Service district" means a community service
12 district as established by the department under s. 20.19 for
13 the purpose of providing community substance alcohol, drug
14 abuse, and mental health services.

15 ~~(30)(20)~~ "Service provider" means any public or
16 private agency, or any private practice, in which all or any
17 portion of the programs or services set forth in s. 394.675
18 are carried out.

19 Section 7. Section 394.674, Florida Statutes, is
20 created to read:

21 394.674 Clinical eligibility and fee-collection
22 requirements for publicly funded substance abuse and mental
23 health services.--

24 (1) To be eligible to receive substance abuse and
25 mental health services financed by the department, a person
26 must:

27 (a) Be assessed by a mental health professional, as
28 defined in s. 394.455(2), s. 394.455(4), s. 394.455(21), s.
29 394.455(23), or s. 394.455(24); a professional licensed under
30 chapter 491; or a person who is under the direct supervision
31 of a professional as defined in s. 394.455(2), (4), (21),

1 (23), or (24), or a professional licensed under chapter 491,
2 as a person who is experiencing an acute mental or emotional
3 crisis, as defined in s. 394.67, or be assessed by a substance
4 abuse professional under chapter 397 as a person who is
5 experiencing an acute substance abuse crisis, as defined in s.
6 394.67;
7 (b) Be assessed by a mental health professional, as
8 defined in s. 394.455(2), s. 394.455(4), s. 394.455(21), s.
9 394.455(23), or s. 394.455(24); a professional licensed under
10 chapter 491; or a person who is under the direct supervision
11 of a professional as defined in s. 394.455(2), (4), (21),
12 (23), or (24), or a professional licensed under chapter 491,
13 as:
14 1. An adult who has a serious mental illness, as
15 defined in s. 394.67; or
16 2. A child or adolescent who has an emotional
17 disturbance, as defined in s. 394.492(5), or who has a serious
18 emotional disturbance or mental illness, as defined in s.
19 394.492(6);
20 (c) Be assessed by a qualified professional, as
21 defined in s. 397.311 or s. 397.416, or a person who is under
22 the direct supervision of such a qualified professional as:
23 1. An adult who has a substance abuse impairment, as
24 defined in s. 394.67; or
25 2. A child or adolescent who has substance abuse
26 problems, as defined in s. 397.93(2); or
27 (d) Be included in a priority client group identified
28 in the Substance Abuse Prevention and Treatment Block Grant,
29 Pub. L. No. 102-321.
30 (2) Crisis services, as defined in s. 394.67, must,
31 within the limitations of available state and local matching

1 resources, be available to each person who is eligible for
2 services under paragraph (1)(a), regardless of the person's
3 ability to pay for such services. A person who is experiencing
4 a mental health crisis and who does not meet the criteria for
5 involuntary examination under s. 394.463(1), or a person who
6 is experiencing a substance abuse crisis and who does not meet
7 the involuntary admission criteria in s. 397.675, must
8 contribute to the cost of his or her care and treatment
9 pursuant to the sliding fee scale developed under subsection
10 (6), unless charging a fee is contraindicated because of the
11 crisis situation.

12 (3) Mental health services, substance abuse services,
13 and crisis services as defined in s. 394.67, must, within the
14 limitations of available state and local matching resources,
15 be available to each person who is eligible for services under
16 paragraph (1)(b), paragraph (1)(c), or paragraph (1)(d). Such
17 person must contribute to the cost of his or her care and
18 treatment pursuant to the sliding fee scale developed under
19 subsection (6).

20 (4)(a) An amount equivalent to 50 percent of the local
21 matching funds that are expended in the form of cash or
22 in-kind match from boards of county commissioners as required
23 in s. 394.76(3)(b) during any fiscal year may be spent within
24 that county during the next fiscal year on special local needs
25 for substance abuse and mental health services. Children,
26 adolescents, and adults whose mental illness, emotional
27 disturbance, or substance abuse problems do not meet the
28 clinical criteria specified in subsection (1) or persons who
29 are at risk of mental illness, emotional disturbances, or
30 substance abuse problems as defined in this chapter or chapter
31 397 may be served using these funds.

1 (b) The department must provide a description in the
2 district substance abuse and mental health plan under s.
3 394.75 of all client groups that are to receive treatment and
4 support services under this subsection, as well as a
5 description of those services.

6 (c) The board of county commissioners or its
7 representatives and local stakeholders who are interested in
8 mental health and substance abuse services must be included as
9 part of the local planning body responsible for determining
10 both the client groups and the treatment and support services.

11 (d) The department must adopt rules to identify the
12 local planning process for determining the client groups who
13 will receive the special services and for defining the
14 services that will be provided. The rules must also specify
15 the process for selecting the local stakeholders who are
16 involved in the local planning process.

17 (5) Subsection (4) does not prohibit the department
18 from using a portion of federal or state funds allocated for
19 substance abuse treatment for substance-abuse-prevention
20 activities. Federal mandates related to
21 substance-abuse-prevention programs must be funded and
22 implemented in accordance with federal requirements. The
23 department must describe in the district substance abuse and
24 mental health plan pursuant to s. 394.75 the children,
25 adolescents, and adults who are at risk of substance abuse
26 impairment and the appropriate substance-abuse-prevention
27 services for each population group.

28 (6) The department shall adopt rules to implement the
29 clinical eligibility and fee-collection requirements for
30 publicly funded substance abuse and mental health services
31 provided within the department's service districts. The rules

1 must require that each provider under contract with the
2 department develop a sliding fee scale for persons who have a
3 net family income at or above 150 percent of the Federal
4 Poverty Income Guidelines, unless otherwise required by state
5 or federal law. The sliding fee scale must use the uniform
6 schedule of discounts by which a provider under contract with
7 the department discounts its established client charges for
8 services supported with state, federal, or local funds, using,
9 at a minimum, factors such as family income, financial assets,
10 and family size as declared by the person or the person's
11 guardian. The rules must include uniform criteria to be used
12 by all service providers in developing the schedule of
13 discounts for the sliding fee scale. The rules must address
14 the most expensive types of treatment, such as residential and
15 inpatient treatment, in order to make it possible for a client
16 to responsibly contribute to his or her mental health or
17 substance abuse care without jeopardizing the family's
18 financial stability. Persons who are not eligible for Medicaid
19 and whose net family income is less than 150 percent of the
20 Federal Poverty Income Guidelines must pay a portion of his or
21 her treatment costs which is comparable to the copayment
22 amount required by the Medicaid program for Medicaid clients
23 pursuant to s. 409.9081. The rules must require that persons
24 who receive financial assistance from the Federal Government
25 because of a disability and are in long-term residential
26 treatment settings contribute to their board and care costs
27 and treatment costs and must be consistent with the provisions
28 in s. 409.212.

29 (7) A person who meets the eligibility criteria in
30 subsection (1) shall be served in accordance with the
31 appropriate district substance abuse and mental health

1 services plan specified in s. 394.75 and within available
2 resources.

3 Section 8. Section 394.675, Florida Statutes, is
4 amended to read:

5 394.675 Substance Alcohol, drug abuse, and mental
6 health service system.--

7 (1) A community-based system of comprehensive
8 substance alcohol, drug abuse, and mental health services
9 shall be established and shall include as follows:

10 (a) Crisis services.

11 (b) Substance abuse services.

12 (c) Mental health services.

13 ~~(a) "Primary care services" are those services which,~~
14 ~~at a minimum, must be made available in each service district~~
15 ~~to persons who have acute or chronic mental illnesses, who are~~
16 ~~acute or chronic drug dependents, and who are acute or chronic~~
17 ~~alcohol abusers to provide them with immediate care and~~
18 ~~treatment in crisis situations and to prevent further~~
19 ~~deterioration or exacerbation of their conditions. These~~
20 ~~services include, but are not limited to,~~
21 ~~emergency-stabilization services, detoxification services,~~
22 ~~inpatient services, residential services, and case management~~
23 ~~services.~~

24 ~~(b) "Rehabilitative services" are those services which~~
25 ~~are made available to the general population at risk of~~
26 ~~serious mental health problems or substance abuse problems or~~
27 ~~which are provided as part of a rehabilitative program. These~~
28 ~~services are designed to prepare or train persons to function~~
29 ~~within the limits of their disabilities, to restore previous~~
30 ~~levels of functioning, or to improve current levels of~~
31 ~~inadequate functioning. Rehabilitative services include, but~~

1 ~~are not limited to, outpatient services, day treatment~~
2 ~~services, and partial hospitalization services.~~

3 ~~(c) "Preventive services" are those services which are~~
4 ~~made available to the general population for the purpose of~~
5 ~~preventing or ameliorating the effects of alcohol abuse, drug~~
6 ~~abuse, or mental illness. These services emphasize the~~
7 ~~reduction of the occurrence of emotional disorders, mental~~
8 ~~disorders, and substance abuse through public education, early~~
9 ~~detection, and timely intervention. Preventive services~~
10 ~~include consultation, public education, and prevention~~
11 ~~services which have been determined through the district~~
12 ~~planning process to be necessary to complete a continuum of~~
13 ~~services as required by this part and which are included in~~
14 ~~the district plan.~~

15 (2) Notwithstanding the provisions of this part, funds
16 that which are provided through state and federal sources for
17 specific services or for specific populations shall be used
18 for those purposes.

19 Section 9. Section 394.676, Florida Statutes, is
20 created to read:

21 394.676 Indigent Psychiatric Medication Program.--

22 (1) Within legislative appropriations, the department
23 may establish the Indigent Psychiatric Medication Program to
24 purchase psychiatric medications for persons as defined in s.
25 394.67(3), s. 394.67(22), s. 394.492(5), or s. 394.492(6) who
26 do not reside in a state mental health treatment facility or
27 an inpatient unit.

28 (2) The department must adopt rules that prescribe
29 clinical and financial criteria for identifying clients who
30 may receive services under the Indigent Psychiatric Medication
31 Program, the process by which eligible drugs will be

1 identified, and the criteria that must be met by
2 community-based mental health providers in order to receive
3 funds under this program.

4 Section 10. Section 394.74, Florida Statutes, is
5 amended to read:

6 394.74 Contracts for provision of local substance
7 ~~alcohol, drug~~ abuse, and mental health programs.--

8 (1) The department, when funds are available for such
9 purposes, is authorized to contract for the establishment and
10 operation of local substance ~~alcohol, drug~~ abuse, and mental
11 health programs with any hospital, clinic, laboratory,
12 institution, or other appropriate service provider.

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

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

23 (c) The department may reimburse actual expenditures
24 for startup contracts and fixed capital outlay contracts in
25 accordance with contract specifications.

26 (3) Contracts shall include, but are not limited to:

27 (a) A provision that, within the limits of available
28 resources, substance ~~primary care alcohol, drug~~ abuse, and
29 mental health crisis services, as defined in s. 394.67(8),
30 shall be available to any individual residing or employed
31 within the service area, regardless of ability to pay for such

1 services, current or past health condition, or any other
2 factor;

3 (b) A provision that such services be available with
4 priority of attention being given to individuals who exhibit
5 symptoms of chronic or acute substance ~~alcoholism, drug~~ abuse,
6 or mental illness and who are unable to pay the cost of
7 receiving such services;

8 (c) A provision that every reasonable effort to
9 collect appropriate reimbursement for the cost of providing
10 substance ~~alcohol, drug~~ abuse, and mental health services to
11 persons able to pay for services, including first-party
12 payments and third-party payments, shall be made by facilities
13 providing services pursuant to this act;

14 (d) A program description and line-item operating
15 budget by program service component for substance ~~alcohol,~~
16 ~~drug~~ abuse, and mental health services, provided the entire
17 proposed operating budget for the service provider will be
18 displayed; and

19 (e) A requirement that the contractor must conform to
20 department rules and the priorities established thereunder.

21 (4) The department shall develop standard contract
22 forms for use between the district administrator and community
23 substance ~~alcohol, drug~~ abuse, and mental health service
24 providers.

25 (5) ~~Nothing in~~ This part does not prevent ~~prevents~~ any
26 municipality ~~city~~ or county, or combination of municipalities
27 ~~cities~~ and counties, from owning, financing, and operating a
28 substance ~~an alcohol, drug~~ abuse, or mental health program by
29 entering into an arrangement with the district to provide, and
30 be reimbursed for, services provided as part of the district
31 plan.

1 Section 11. Section 394.75, Florida Statutes, is
2 amended to read:

3 394.75 District substance ~~alcohol, drug~~ abuse, and
4 mental health plans.--

5 (1)(a) The district health and human services board
6 ~~planning council~~ shall prepare an integrated ~~a combined~~
7 district substance ~~alcohol, drug~~ abuse, and mental health
8 plan. The plan shall be prepared annually ~~on a biennial basis~~
9 and ~~shall be reviewed annually~~ and shall reflect both the
10 program priorities established by the department and the needs
11 of the district established under ss. 394.674 and 394.675.
12 The plan must list in order of priority the mental health and
13 the substance-abuse-treatment needs of the district and must
14 rank each program area separately.The plan shall include a
15 program description and line-item budget by program service
16 component for substance ~~alcohol, drug~~ abuse, and mental health
17 service providers that will receive state funds. The entire
18 proposed operating budget for each service provider shall be
19 displayed. A schedule, format, and procedure for development
20 and review of the plan shall be adopted ~~promulgated~~ by the
21 department by June 30 of each year.

22 (b) The plan must include input from community-based
23 persons, organizations, and agencies interested in substance
24 abuse and mental health treatment services; local government
25 entities that contribute funds to the public substance abuse
26 and mental health treatment systems; consumers of publicly
27 funded substance abuse and mental health services; and family
28 members. The plan must describe the means by which this local
29 input occurred.

30 (c) ~~(b)~~ The plan shall be submitted by the district
31 board ~~planning council~~ to the district administrator and to

1 the governing bodies for review, comment, and approval, as
2 provided in subsection (9).

3 (2) The plan shall:

4 (a) Describe the publicly funded, community-based
5 substance abuse and mental health system of care and identify
6 statutorily defined populations, their service needs, and the
7 resources available and required to meet their needs.

8 (b) Provide the means for meeting the needs of the
9 district's eligible clients, specified in ss. 394.674 and
10 394.675, for substance abuse and mental health services.

11 (c) Provide a process for coordinating the delivery of
12 services within a community-based system of care to eligible
13 clients. Such process must involve service providers, clients,
14 and other stakeholders. The process must also provide a means
15 by which providers will coordinate and cooperate to strengthen
16 linkages, achieve maximum integration of services, foster
17 efficiencies in service delivery and administration, and
18 designate responsibility for outcomes for eligible clients.

19 (d)(a) Provide a projection of district program and
20 fiscal needs for the next fiscal year biennium, provide for
21 the orderly and economical development of needed services, and
22 indicate priorities and resources for each population served,
23 performance outcomes, and anticipated expenditures and
24 revenues.

25 (e)(b) Include a summary budget request for the total
26 district substance alcohol, drug abuse, and mental health
27 program, which must shall include the funding priorities
28 established by the district planning process.

29 (f)(c) Provide a basis for the district legislative
30 budget request.

31

1 ~~(g)(d)~~ Include a policy and procedure for allocation
2 of funds.

3 ~~(h)(e)~~ Include a procedure for securing local matching
4 funds. Such a procedure shall be developed in consultation
5 with governing bodies and service providers.

6 ~~(i)(f)~~ Provide for the integration of substance
7 ~~alcohol, drug abuse, and~~ mental health services with the other
8 departmental programs and with the criminal justice, juvenile
9 justice, child protection, school, and health care systems
10 ~~system~~ within the district.

11 ~~(j)(g)~~ Provide a plan for the coordination of services
12 in such manner as to ensure effectiveness and avoid
13 duplication, fragmentation of services, and unnecessary
14 expenditures.

15 ~~(k)(h)~~ Provide for continuity of client care between
16 state treatment facilities and community programs to assure
17 that discharge planning results in the rapid application for
18 all benefits for which a client is eligible, including
19 Medicaid coverage for persons leaving state treatment
20 facilities and returning to community-based programs.

21 ~~(l)(i)~~ Provide for the most appropriate and economical
22 use of all existing public and private agencies and personnel.

23 ~~(m)(j)~~ Provide for the fullest possible and most
24 appropriate participation by existing programs; state
25 hospitals and other hospitals; city, county, and state health
26 and family service agencies; drug abuse and alcoholism
27 programs; probation departments; physicians; psychologists;
28 marriage and family therapists; mental health counselors; and
29 clinical social workers; public health nurses; school systems;
30 and all other public and private agencies and personnel that
31

1 ~~which~~ are required to, or may agree to, participate in the
2 plan.

3 ~~(n)(k)~~ Include an inventory of all public and private
4 substance alcohol, drug abuse, and mental health resources
5 within the district, including consumer advocacy groups and
6 self-help groups known to ~~registered with~~ the department.

7 (3) The plan shall address how substance abuse and
8 mental health primary care services will be provided and how a
9 system of care for target populations ~~continuum of services~~
10 will be provided given the resources available in the service
11 district. The plan must include provisions for maximizing
12 client access to the most recently developed psychiatric
13 medications approved by the United States Food and Drug
14 Administration, for developing independent housing units
15 through participation in the Section 811 program operated by
16 the United States Department of Housing and Urban Development,
17 for developing supported employment services through the
18 Division of Vocational Rehabilitation of the Department of
19 Labor and Employment Security, for providing treatment
20 services to persons with co-occurring mental illness and
21 substance abuse problems which are integrated across treatment
22 systems, and for providing services to adults who have a
23 serious mental illness, as defined in s. 394.67, and who
24 reside in assisted-living facilities.

25 (4) The plan shall provide the means by which the
26 needs of the ~~following~~ population groups specified in s.
27 394.674 having priority will be addressed in the district. ~~+~~

28 (a) ~~Chronic public inebriates;~~

29 (b) ~~Marginally functional alcoholics;~~

30 (c) ~~Chronic opiate abusers;~~

31 (d) ~~Poly-drug abusers;~~

- 1 ~~(e) Chronically mentally ill individuals;~~
2 ~~(f) Acutely mentally ill individuals;~~
3 ~~(g) Severely emotionally disturbed children and~~
4 ~~adolescents;~~
5 ~~(h) Elderly persons at high risk of~~
6 ~~institutionalization; and~~
7 ~~(i) Individuals returned to the community from a state~~
8 ~~mental health treatment facility.~~

9 (5) In developing the plan, optimum use shall be made
10 of any federal, state, and local funds that may be available
11 for substance alcohol, drug abuse, and mental health service
12 planning. However, the department must provide these services
13 within legislative appropriations.

14 (6) The board ~~planning council~~ shall establish a
15 subcommittee to prepare the portion of the district plan
16 relating to children and adolescents. The subcommittee shall
17 include representative membership of any committee organized
18 or established by the district to review placement of children
19 and adolescents in residential treatment programs. The board
20 shall establish a subcommittee to prepare the portion of the
21 district plan which relates to adult mental health and
22 substance abuse. The subcommittee must include representatives
23 from the community who have an interest in mental health and
24 substance abuse treatment for adults.

25 (7) All departments of state government and all local
26 public agencies shall cooperate with officials to assist them
27 in service planning. Each district administrator shall, upon
28 request and the availability of staff, provide consultative
29 services to the local agency directors and governing bodies.

30 (8) The district administrator shall ensure that the
31 district plan:

1 (a) Conforms to the priorities in the state plan, the
2 requirements of this part, and the standards adopted under
3 this part;

4 (b) Ensures that the most effective and economical use
5 will be made of available public and private substance
6 ~~alcohol, drug~~ abuse, and mental health resources in the
7 service district; and

8 (c) Has adequate provisions made for review and
9 evaluation of the services provided in the service district.

10 (9) The district administrator shall require such
11 modifications in the district plan as he or she deems
12 necessary to bring the plan into conformance with the
13 provisions of this part. If the district board ~~planning~~
14 ~~council~~ and the district administrator cannot agree on the
15 plan, including the projected budget, the issues under dispute
16 shall be submitted directly to the secretary of the department
17 for immediate resolution.

18 (10) Each governing body that provides local funds has
19 the authority to require necessary modification to only that
20 portion of the district plan which affects substance ~~alcohol,~~
21 ~~drug~~ abuse, and mental health programs and services within the
22 jurisdiction of that governing body.

23 (11) The district administrator shall report annually
24 to the district board ~~planning council~~ the status of funding
25 for priorities established in the district plan. Each report
26 must include:

27 (a) A description of the district plan priorities that
28 were included in the district legislative budget request;

29 (b) A description of the district plan priorities that
30 were included in the departmental budget request prepared
31 under s. 20.19; and

1 (c) A description of the programs and services
2 included in the district plan priorities that were
3 appropriated funds by the Legislature in the legislative
4 session that preceded the report.

5 Section 12. Subsections (3), (4), (8), (9), (10), and
6 (11) of section 394.76, Florida Statutes, are amended to read:

7 394.76 Financing of district programs and
8 services.--If the local match funding level is not provided in
9 the General Appropriations Act or the substantive bill
10 implementing the General Appropriations Act, such funding
11 level shall be provided as follows:

12 (3) The state share of financial participation shall
13 be determined by the following formula:

14 (a) The state share of approved program costs shall be
15 a percentage of the net balance determined by deducting from
16 the total operating cost of services and programs, as
17 specified in s. 394.675(1), those expenditures which are
18 ineligible for state participation as provided in subsection
19 (7) and those ineligible expenditures established by rule of
20 the department pursuant to s. 394.78.

21 (b) Residential and case management services which are
22 funded as part of a deinstitutionalization project shall not
23 require local matching funds and shall not be used as local
24 matching funds. The state and federal financial participation
25 portions of Medicaid earnings pursuant to Title XIX of the
26 Social Security Act, except for the amount of general revenue
27 equal to the amount appropriated in 1985-1986 plus all other
28 general revenue that is shifted from any other alcohol, drug
29 abuse, and mental health appropriation category after fiscal
30 year 1986-1987 or substance abuse and mental health
31 appropriation category after fiscal year 2000-2001, shall not

1 require local matching funds and shall not be used as local
2 matching funds. Local matching funds are not required for
3 general revenue transferred by the department into substance
4 ~~alcohol, drug~~ abuse, and mental health appropriations
5 categories during a fiscal year to match federal funds earned
6 from Medicaid services provided for mental health clients in
7 excess of the amounts initially appropriated. Funds for
8 children's services which were provided through the Children,
9 Youth, and Families Services budget which did not require
10 local match prior to being transferred to the Substance
11 ~~Alcohol, Drug~~ Abuse, and Mental Health Services budget shall
12 be exempt from local matching requirements. All other
13 contracted community alcohol and mental health services and
14 programs, except as identified in s. 394.457(3), shall require
15 local participation on a 75-to-25 state-to-local ratio.

16 (c) The expenditure of 100 percent of all third-party
17 payments and fees shall be considered as eligible for state
18 financial participation if such expenditures are in accordance
19 with subsection (7) and the approved district plan.

20 (d) Fees generated by residential and case management
21 services which are funded as part of a deinstitutionalization
22 program and do not require local matching funds shall be used
23 to support program costs approved in the district plan.

24 (e) Any earnings pursuant to Title XIX of the Social
25 Security Act in excess of the amount appropriated shall be
26 used to support program costs approved in the district plan.

27 (4) Notwithstanding the provisions of subsection (3),
28 the department is authorized to develop and demonstrate
29 alternative financing systems for substance alcohol, drug
30 ~~abuse,~~ and mental health services. Proposals for
31 demonstration projects conducted pursuant to this subsection

1 shall be reviewed by the substantive and appropriations
2 committees of the Senate and the House of Representatives
3 prior to implementation of the projects.

4 (8) Expenditures for capital improvements relating to
5 construction of, addition to, purchase of, or renovation of a
6 community substance ~~alcohol, drug~~ abuse, or mental health
7 facility may be made by the state, provided such expenditures
8 or capital improvements are part and parcel of an approved
9 district plan. Nothing shall prohibit the use of such
10 expenditures for the construction of, addition to, renovation
11 of, or purchase of facilities owned by a county, city, or
12 other governmental agency of the state or a nonprofit entity.
13 Such expenditures are subject to the provisions of subsection
14 (6).

15 (9)(a) State funds for community alcohol and mental
16 health services shall be matched by local matching funds as
17 provided in paragraph (3)(b). The governing bodies within a
18 district or subdistrict shall be required to participate in
19 the funding of alcohol and mental health services under the
20 jurisdiction of such governing bodies. The amount of the
21 participation shall be at least that amount which, when added
22 to other available local matching funds, is necessary to match
23 state funds.

24 (b) The provisions of paragraph (a) to the contrary
25 notwithstanding, no additional matching funds may be required
26 solely due to the addition in the General Appropriations Act
27 of Substance ~~Alcohol, Drug~~ Abuse, and Mental Health Block
28 Grant Funds for local community mental health centers and
29 alcohol project grants.

30 (10) A local governing body is authorized to
31 appropriate moneys, in lump sum or otherwise, from its public

1 funds for the purpose of carrying out the provisions of this
2 part. In addition to the payment of claims upon submission of
3 proper vouchers, such moneys may also, at the option of the
4 governing body, be disbursed in the form of a lump-sum or
5 advance payment for services for expenditure, in turn, by the
6 recipient of the disbursement without prior audit by the
7 auditor of the governing body. Such funds shall be expended
8 only for substance ~~alcohol, drug~~ abuse, or mental health
9 purposes as provided in the approved district plan. Each
10 governing body appropriating and disbursing moneys pursuant to
11 this subsection shall require the expenditure of such moneys
12 by the recipient of the disbursement to be audited annually
13 either in conjunction with an audit of other expenditures or
14 by a separate audit. Such annual audits shall be furnished to
15 the governing bodies of each participating county and
16 municipality for their examination.

17 (11) No additional local matching funds shall be
18 required solely due to the addition in the General
19 Appropriations Act of substance ~~alcohol, drug~~ abuse, and
20 mental health block grant funds for local community mental
21 health centers, drug abuse programs, and alcohol project
22 grants.

23 Section 13. Subsection (1) of section 394.77, Florida
24 Statutes, is amended to read:

25 394.77 Uniform management information, accounting, and
26 reporting systems for providers.--The department shall
27 establish, for the purposes of control of costs:

28 (1) A uniform management information system and fiscal
29 accounting system for use by providers of community substance
30 ~~alcohol, drug~~ abuse, and mental health services.

31

1 Section 14. Subsections (2), (3), (4), and (5) of
2 section 394.78, Florida Statutes, are amended to read:

3 394.78 Operation and administration; personnel
4 standards; procedures for audit and monitoring of service
5 providers; resolution of disputes.--

6 (2) The department shall, by rule, establish standards
7 of education and experience for professional and technical
8 personnel employed in substance ~~alcohol, drug~~ abuse, and
9 mental health programs.

10 (3) The department shall establish, to the extent
11 possible, a standardized auditing procedure for substance
12 ~~alcohol, drug~~ abuse, and mental health service providers; and
13 audits of service providers shall be conducted pursuant to
14 such procedure and the applicable department rules. Such
15 procedure shall be supplied to all current and prospective
16 contractors and subcontractors prior to the signing of any
17 contracts.

18 (4) The department shall monitor service providers for
19 compliance with contracts and applicable state and federal
20 regulations. A representative of the district health and
21 human services board ~~planning council~~ shall be represented on
22 the monitoring team.

23 (5) In unresolved disputes regarding this part or
24 rules established pursuant to this part, providers and
25 district health and human services boards ~~planning councils~~
26 shall adhere to formal procedures specified under s.
27 20.19(8)(n) ~~as provided by the rules established by the~~
28 ~~department.~~

29 Section 15. Section 394.79, Florida Statutes, is
30 amended to read:

31

1 394.79 State substance ~~alcohol, drug~~ abuse, and mental
2 health plan.--

3 (1) The department shall prepare an annual ~~a biennial~~
4 plan for the delivery and financing of a system of substance
5 ~~alcohol, drug~~ abuse, and mental health services. The plan
6 shall include:

7 (a) The current and projected need for substance
8 ~~alcohol, drug~~ abuse, and mental health services, displayed
9 statewide and by district, and the extent to which the need is
10 being addressed by existing services.

11 (b) A proposal for the development of a data system
12 that will evaluate the effectiveness of programs and services
13 provided to clients of the substance ~~alcohol, drug~~ abuse, and
14 mental health service system.

15 (c) A proposal to resolve the funding discrepancies
16 between districts.

17 (d) A methodology for the allocation of resources
18 available from federal, state, and local sources and a
19 description of the current level of funding available from
20 each source.

21 (e) A description of the statewide priorities for
22 clients and services and each district's priorities for
23 clients and services.

24 (f) Recommendations for methods of enhancing local
25 participation in the planning, organization, and financing of
26 substance ~~alcohol, drug~~ abuse, and mental health services.

27 (g) A description of the current methods of
28 contracting for services, an assessment of the efficiency of
29 these methods in providing accountability for contracted
30 funds, and recommendations for improvements to the system of
31 contracting.

1 (h) Recommendations for improving access to services
2 by clients and their families.

3 (i) Guidelines and formats for the development of
4 district plans.

5 (j) Recommendations for future directions for the
6 substance ~~alcohol, drug~~ abuse, and mental health service
7 delivery system.

8 (2) The department shall prepare the state plan in
9 consultation with district administrators, state treatment
10 facility administrators, and district planning councils.

11 (3) A copy of the state plan shall be submitted to the
12 Legislature and each district planning council. A summary
13 budget request and a summary statement of priorities from each
14 service district shall be attached to the plan.

15 Section 16. Section 394.908, Florida Statutes, is
16 amended to read:

17 394.908 Substance ~~Alcohol, drug~~ abuse, and mental
18 health funding equity; distribution of appropriations.--In
19 recognition of the historical inequity among service districts
20 of the former Department of Health and Rehabilitative Services
21 in the funding of substance ~~alcohol, drug~~ abuse, and mental
22 health services, and in order to rectify this inequity and
23 provide for equitable funding in the future throughout the
24 state, the following funding process shall be adhered to,
25 ~~beginning with the 1997-1998 fiscal year:~~

26 (1) Funding thresholds for substance ~~alcohol, drug~~
27 abuse, and mental health services in each of the current
28 districts, statewide, shall be established based on the
29 current number of persons in need per district of substance
30 ~~for alcohol and drug~~ abuse, and ~~for~~ mental health services,
31 respectively.

1 (2) "Persons in need" means those persons who fit the
2 profile of the respective target populations and require
3 mental health or substance abuse services.

4 (3) Seventy-five ~~Beginning July 1, 1997,~~ 75 percent of
5 any additional funding beyond the 1996-1997 fiscal year base
6 appropriation for alcohol, drug abuse, and mental health
7 services shall be allocated to districts for substance abuse
8 and mental health services based on:

9 (a) Epidemiological estimates of disabilities which
10 apply to the respective target populations.

11 (b) A pro rata share distribution that ensures
12 districts below the statewide average funding level per person
13 in each target population of "persons in need" receive funding
14 necessary to achieve equity.

15 (4) The remaining 25 percent shall be allocated based
16 on the number of persons in need of substance ~~alcohol, drug~~
17 ~~abuse,~~ and mental health services per district without regard
18 to current funding levels.

19 (5) Target populations for persons in need shall be
20 displayed for each district and distributed concurrently with
21 the approved operating budget. The display by target
22 population shall show: The annual number of persons served
23 based on prior year actual numbers, the annual cost per person
24 served, the number of persons served by service cost center,
25 and the estimated number of the total target population for
26 persons in need.

27 (6) The annual cost per person served shall be defined
28 as the total actual funding for each target population divided
29 by the number of persons served in the target population for
30 that year.

31

1 (7) Commencing on July 1, 1998, all additional funding
2 pursuant to this section shall be performance-based.

3 Section 17. (1) The Department of Children and Family
4 Services shall prepare a master plan every 3 years for
5 implementing a publicly funded, community-based integrated
6 system of care for mental health and substance abuse services
7 throughout the state. The plan must identify strategies for
8 meeting the treatment and support needs of children,
9 adolescents, adults, and older adults who have, or are at risk
10 of having, mental, emotional, or substance abuse problems as
11 defined in chapter 394 or chapter 397, Florida Statutes. The
12 plan must be updated annually and must include input from
13 persons who represent local communities and stakeholders
14 interested in mental health and substance abuse services. The
15 plan must include statewide policies and planning parameters
16 that will be used by the health and human services boards in
17 preparing the district substance abuse and mental health plans
18 under section 394.75, Florida Statutes. The plan and annual
19 updates must be submitted to the President of the Senate and
20 the Speaker of the House of Representatives on January 1 of
21 each year, beginning January 1, 2001.

22 (2) The initial master plan must include an assessment
23 of the clinical practice guidelines and standards for
24 community-based mental health and substance abuse services
25 delivered by agencies under contract with the Department of
26 Children and Family Services. The assessment must include an
27 inventory of current clinical guidelines and standards used by
28 agencies under contract with the department and by nationally
29 recognized accreditation organizations to address quality of
30 care and must specify additional clinical practice standards
31 and guidelines for new or existing services and programs. The

1 master plan must propose changes in departmental policy or
2 statutory revisions to strengthen the quality of mental health
3 and substance abuse treatment and support services.

4 Section 18. By July 1 of each year, the Department of
5 Children and Family Services shall submit a report to the
6 Legislature which describes the compliance of providers that
7 provide substance abuse treatment programs and mental health
8 services under contract with the Department of Children and
9 Family Services. The report must describe the status of
10 compliance with the annual performance outcome standards
11 established by the Legislature and must address the providers
12 that meet or exceed performance standards, the providers that
13 did not achieve performance standards for which corrective
14 action measures were developed, and the providers whose
15 contracts were terminated due to failure to meet the
16 requirements of the corrective plan.

17 Section 19. This act shall take effect July 1, 2000.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 358

- 4 - Adds prevention services to the definition of "Mental
5 health services."
6 - Adds professionals licensed under ch. 491, F.S., and
7 persons under the supervision of professionals to the
8 list of persons who may complete mental health
9 assessments for determining clinical eligibility.
10 - Adds persons who are under the supervision of qualified
11 professionals as defined in ch. 397, F.S., to the list
12 of persons who may complete substance abuse assessments
13 for determining clinical eligibility.
14 - Changes the methodology for determining the amount of
15 public funds that may be used by counties to serve
16 persons who are at risk of mental illness, emotional
17 disturbance, or substance abuse problems or whose mental
18 illness, emotional disturbance, or substance abuse
19 problems do not meet the clinical criteria in ch. 394
20 F.S., or ch. 397 F.S.
21 - Specifies that the county commissions or representatives
22 and local stakeholders must be part of the local
23 planning body responsible for determining the client
24 groups and the treatment and support services served
25 with the flexible county matching funds.
26 - Removes the provision specifying that the monthly fees
27 assessed to a client who is receiving mental health and
28 substance abuse services financed by state, federal, and
29 local public funds may not exceed 10 percent of the
30 family's monthly gross income.
31 - Adds financial assets as declared by the person or the
person's guardian to the factors used by the service
provider under contract with the Department of Children
and Family Services in determining the sliding fee scale
for persons at or above 150 percent of the Federal
Poverty Income Guidelines.
- Requires that persons who are not Medicaid eligible
whose net family income is less than 150 percent of the
Federal Poverty Income Guidelines will pay a portion of
treatment costs that is comparable to the co-payment
amount required by the Medicaid program for Medicaid
clients pursuant to s. 409.9081, F.S.
- Requires that persons who receive financial assistance
from the federal government because of a disability and
are in long-term residential treatment settings will
contribute to their board and care costs and treatment
costs consistent with the policies in s. 409.212, F.S.,
concerning optional supplementation.
- Creates statutory provisions for the Indigent

1 Psychiatric Medication Program and authorizes the
2 Department of Children and Family Services to promulgate
3 administrative rules for its implementation.
4 - Requires that the district substance abuse and mental
5 health plan include input from community-based persons,
6 organizations, and agencies interested in substance
7 abuse and mental health treatment services, local
8 government entities that contribute funds to the public
9 substance abuse and mental health systems, consumers of
10 publicly funded substance abuse and mental health
11 services, and family members.
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