

By the Committee on Children and Families; and Senator Lynn

300-2052-03

1 A bill to be entitled
2 An act relating to substance abuse and mental
3 health; creating s. 394.655, F.S.; providing
4 legislative intent; creating the Florida
5 Substance Abuse and Mental Health Board, Inc.,
6 which shall be administratively housed within
7 the Department of Children and Family Services;
8 providing for the board's independence;
9 providing the duties, responsibilities, and
10 authority of the board; requiring a contract
11 between the board and the department; providing
12 for the appointment of members and specifying
13 qualifications for membership; authorizing the
14 board to employ staff members; requiring an
15 annual evaluation and report to the Legislature
16 and Governor; directing other agencies to
17 cooperate in the development of the evaluation
18 and report; providing for future repeal;
19 directing the Executive Office of the Governor
20 to procure an evaluation; providing for a
21 report to the Legislature; amending s. 20.19,
22 F.S.; requiring the Secretary of Children and
23 Family Services to appoint certain staff;
24 providing responsibilities; transferring the
25 children-in-need-of-services program and the
26 families-in-need-of-services program from the
27 Department of Juvenile Justice to the
28 Department of Children and Family Services;
29 providing an effective date.

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

1 Section 1. Section 394.655, Florida Statutes, is
2 created to read:

3 394.655 The Substance Abuse and Mental Health Board;
4 powers and duties; composition; evaluation and reporting
5 requirements.--

6 (1) It is the intent of the Legislature to provide
7 substance abuse and mental health services that are
8 coordinated and consistent throughout the state, that reflect
9 the current state of knowledge regarding quality and
10 effectiveness, and that are responsive to service recipients
11 and the needs of communities in this state. In order to
12 accomplish this intent, there is created a not-for-profit
13 corporation, to be known as the "Florida Substance Abuse and
14 Mental Health Board, Inc.," which shall be registered,
15 incorporated, organized, and operated in compliance with
16 chapter 617 and which shall not be a unit or entity of state
17 government. The Florida Substance Abuse and Mental Health
18 Board, hereafter referred to as "the board," shall be
19 administratively housed within the Department of Children and
20 Family Services; however, the board shall not be subject to
21 control, supervision, or direction by the department or by any
22 other executive agency in any manner. As used in this section,
23 the term "department" means the Department of Children and
24 Family Services.

25 (2) The Legislature finds that public policy and the
26 State Constitution require that the board and any committees
27 it forms be subject to the provisions of chapter 119 relating
28 to public records and the provisions of chapter 286 relating
29 to public meetings.

1 (3)(a) Subject to and consistent with direction set by
2 the Legislature, the board shall exercise the following
3 responsibilities:

4 1. Require the collection and analysis of needs
5 assessment data as described in s. 394.82.

6 2. Monitor the status of the publicly funded mental
7 health and substance abuse systems and establish policy
8 designed to improve coordination and effectiveness.

9 3. Provide mechanisms for substance abuse and mental
10 health stakeholders, including consumers, family members,
11 providers, and advocates to provide input concerning the
12 management of the system.

13 4. Recommend priorities for service expansion to the
14 department and the Agency for Health Care Administration.

15 5. Prepare legislative budget requests that the
16 secretary shall submit to the Governor.

17 6. Review performance data prepared by the department
18 and the Agency for Health Care Administration.

19 7. Make recommendations to the secretary concerning
20 strategies for improving the performance of the system.

21 8. Monitor and forecast substance abuse and mental
22 health manpower needs and work with the department and the
23 educational system to establish policies, consistent with the
24 direction of the Legislature, which will ensure that the state
25 has the personnel it needs to continuously implement and
26 improve its services.

27 (b) The board shall work with the department and the
28 Agency for Health Care Administration to assure, to the
29 maximum extent possible, that Medicaid and department-funded
30 services are delivered in a coordinated manner, using common
31 service definitions, standards, and accountability mechanisms.

1 (c) The board shall also work with other agencies of
2 state government which provide, purchase, or fund substance
3 abuse and mental health programs and services in order to work
4 toward fully developed and integrated, when appropriate,
5 substance abuse and mental health systems that reflect current
6 knowledge regarding efficacy and efficiency and use best
7 practices identified within this state or other states.

8 (d) The board shall develop memoranda of understanding
9 that describe how it will coordinate with other programmatic
10 areas within the department and with other state agencies that
11 deliver or purchase substance abuse or mental health services.

12 (4) The secretary of the department shall provide or
13 direct that any information requested by the board be provided
14 in a timely manner that allows for a reasonable review and
15 approval period by the board for items as set forth in
16 subsection (3) and specified in the contract provided for in
17 subsection (5).

18 (5) The board and the department must enter into a
19 contract that requires the department to implement the
20 policies of the board and describes how the department will
21 respond to the board's requests for documents, reports, and
22 proposals needed by the board in order for it to carry out its
23 duties as described in paragraph (3)(a).

24 (6)(a) The board shall be comprised of 15 members,
25 each appointed to a 2-year term, with not more than three
26 subsequent reappointments, except that initial legislative
27 appointments shall be for 3-year terms. Five members shall be
28 appointed by the Governor, five members shall be appointed by
29 the President of the Senate, and five members shall be
30 appointed by the Speaker of the House of Representatives.

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1 1. Of the five members appointed by the Governor, one
2 member must represent the perspective of community-based care
3 under chapter 409 and four members must be prominent community
4 or business leaders, two of whom must have experience and
5 interest in substance abuse and two of whom must have
6 experience and interest in mental health.

7 2. Of the five members appointed by the President of
8 the Senate, one member must be an expert in the field of
9 substance abuse, one member must be a former client or family
10 member of a client of a publicly funded mental health program,
11 one member must represent the perspective of the state's
12 senior population, and two members must be prominent community
13 or business leaders, one of whom must have experience and
14 interest in substance abuse and one of whom must have
15 experience and interest in mental health.

16 3. Of the five members appointed by the Speaker of the
17 House of Representatives, one member must be an expert in the
18 field of mental health, one member must be a former client or
19 family member of a client of a publicly funded substance abuse
20 program, one member must represent the perspective of the
21 criminal justice system, and two members must be prominent
22 community or business leaders, one of whom must have
23 experience and interest in substance abuse and one of whom
24 must have experience and interest in mental health.

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26 The Secretary of Children and Family Services, or his or her
27 designee, shall serve as an ex officio member of the board.

28 (b) The board shall be chaired by a member designated
29 by the Governor who may not be a public sector employee.

30 (c) Persons who derive their income from resources
31 controlled by the Department of Children and Family Services

1 or the Agency for Health Care Administration may not be
2 members of the board.

3 (d) The Governor, the President of the Senate, and the
4 Speaker of the House of Representatives shall make their
5 respective appointments within 60 days after the effective
6 date of this act.

7 (e) A member of the board may be removed by the
8 appointing party for cause. Absence from three consecutive
9 meetings shall result in automatic removal. The chairperson of
10 the board shall notify the appointing party of such absences.

11 (f) The board shall develop by-laws that describe how
12 it will conduct its work.

13 (g) The board shall meet at least quarterly and at
14 other times upon the call of its chair. Board meetings may be
15 held via teleconference or other electronic means.

16 (h) A majority of the total current membership of the
17 board constitutes a quorum of the board. The board may only
18 meet and take action when a quorum is present.

19 (i) Within resources appropriated by the Legislature
20 and other funds available to the corporation, the chairperson
21 of the board may appoint advisory committees to address and
22 advise the board on particular issues within its scope of
23 responsibility. Members of advisory committees are not subject
24 to the prohibition in paragraph (c).

25 (j) Members of the board and its committees shall
26 serve without compensation, but are entitled to reimbursement
27 for travel and per diem expenses pursuant to s. 112.061.

28 (k) Each member of the board who is not otherwise
29 required to file a financial disclosure statement pursuant to
30 s. 8, Art. II of the State Constitution or s. 112.3144 must
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1 file disclosure of financial interests pursuant to s.
2 112.3145.

3 (7) The board may appoint four staff members,
4 including a programmatic analyst, a budget analyst, a contract
5 manager, and an administrative assistant. One staff member
6 shall be designated as staff supervisor. The staff members
7 shall be appointed by and serve at the pleasure of the board
8 and are employees of the corporation, not employees of the
9 state. Provision of other staff support required by the board
10 shall be provided by the department as negotiated in the
11 contract developed pursuant to subsection (5).

12 (8) The board must develop a budget request for its
13 operation and must submit the request to the Governor and the
14 Legislature pursuant to chapter 216 through the secretary of
15 the department, who may not modify the budget request before
16 it is submitted or after the board's funding is appropriated
17 by the Legislature.

18 (9) The board shall provide for an annual financial
19 audit of its financial accounts and records by an independent
20 certified public accountant. The annual audit report shall
21 include a management letter in accordance with s. 11.45 and a
22 detailed supplemental schedule of expenditures for each
23 expenditure category. The annual audit report must be
24 submitted to the Governor, the department, and the Auditor
25 General for review.

26 (10) The board must annually evaluate and, in December
27 of each year, report to the Legislature and the Governor on
28 the status of the state's publicly funded substance abuse and
29 mental health systems. The board's first report must be
30 submitted in December, 2004. Each public sector agency that
31 delivers, or contracts for the provision of, substance abuse

1 or mental health services must cooperate with the board in the
2 development of this annual evaluation and report. As part of
3 the annual report, the board and department shall certify as
4 to whether the board and the department are complying with the
5 terms of the contract required in subsection (5) in a manner
6 that is consistent with the goals and purposes of the board
7 and in the best interest of the state.

8 (11) This section expires on October 1, 2006, unless
9 reviewed and reenacted by the Legislature before that date.

10 The Executive Office of the Governor shall procure an
11 independent evaluation of the effectiveness of the substance
12 abuse and mental health programs. The evaluation must include,
13 but need not be limited to, the operation of the board, the
14 organization of programs within the department, and the
15 contractual arrangement between parties in order to determine
16 whether each program has been effective in carrying out its
17 mission, as defined in law, including how well the needs of
18 children and families in the child protection system have been
19 met, and in order to determine the cost effectiveness of or
20 any cost issues relating to the board and each program office.
21 A report that includes recommendations relating to the
22 continuation of the board and the organizational arrangement
23 of the programs must be submitted by the Executive Office of
24 the Governor, the President of the Senate, and the Speaker of
25 the House of Representatives by January 1, 2006.

26 Section 2. Present paragraph (c) of subsection (2) of
27 section 20.19, Florida Statutes, is redesignated as paragraph
28 (d), and a new paragraph (c) is added to that subsection, to
29 read:

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1 20.19 Department of Children and Family
2 Services.--There is created a Department of Children and
3 Family Services.

4 (2) SECRETARY OF CHILDREN AND FAMILY SERVICES; DEPUTY
5 SECRETARY.--

6 (c)1. The secretary shall appoint an Assistant
7 Secretary for Substance Abuse and Mental Health from a list of
8 three recommendations submitted by the board established in s.
9 394.655. The assistant secretary shall serve at the pleasure
10 of the secretary with the concurrence of the board and must
11 have expertise in both areas of responsibility.

12 2. The secretary shall appoint a Program Director for
13 Substance Abuse and a Program Director for Mental Health who
14 have the requisite expertise and experience in their
15 respective fields to head the state's substance abuse and
16 mental health programs.

17 a. Each program director shall have line authority
18 over all district substance abuse and mental health program
19 management staff.

20 b. The assistant secretary shall enter into a
21 memorandum of understanding with each district or region
22 administrator, which must be approved by the secretary or the
23 secretary's designee, describing the working relationships
24 within each geographic area.

25 c. The mental health institutions shall report to the
26 Program Director for Mental Health.

27 d. Each program director shall have direct control
28 over the program's budget and contracts for services. Support
29 staff necessary to manage budget and contracting functions
30 within the department shall be placed under the supervision of
31 the program directors.

1 Section 3. The children-in-need-of-services program
2 and the families-in-need-of-services program are transferred
3 by a type 2 transfer from the Department of Juvenile Justice
4 to the Department of Children and Family Services, effective
5 July 1, 2003.

6 Section 4. Except as otherwise provided in this act,
7 this act shall take effect upon becoming a law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 700

4 Deletes the intent to transfer the Mental Health Program
5 within the Department of Children and Families to the
6 Department of Health including the direction to the Office of
7 Program Policy Analysis and Government Accountability to
8 evaluate the transfer of the Developmental Disabilities and
9 other programs to the Department of Health.

10 Directs the transfer of the children in need of services and
11 families in need of services (CINS/FINS) program from the
12 Department of Juvenile Justice to the Department of Children
13 and Families.

14 Creates a not-for-profit corporation to be known as the
15 Florida Substance Abuse and Mental Health Board, Inc., that is
16 to set direction and policy for the substance abuse and mental
17 health programs in order to provide services that are
18 coordinated and consistent throughout the state; provides for
19 staff.

20 Modifies responsibilities of the Board to include the
21 collection of a needs assessment, monitoring the status of the
22 publicly funded mental health and substance abuse systems,
23 providing mechanisms for stakeholder input, developing
24 recommended priorities for service expansion, preparing
25 legislative budget requests, reviewing performance data,
26 monitoring staffing needs, and making recommendations to the
27 Secretary on performance improvement.

28 Provides direction for board members to be appointed by the
29 President of the Senate, Speaker of the House of
30 Representatives and the Governor.

31 Specifies an organizational structure for the substance abuse
and mental health program offices that have line of authority
over district program staff.

Requires the completion of reports by the board and an
evaluation directed by the Executive Office of the Governor;
reports are to be submitted to the Legislature and Governor.

Specifies that the section created is to expire on October 6,
2006, unless it is reviewed and re-enacted by the Legislature
prior to that date.