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2 An act relating to substance abuse and mental
3 health services; amending s. 394.655, F.S.;
4 revising the duties of the Florida Substance
5 Abuse and Mental Health Corporation; requiring
6 the corporation to ensure the provision of
7 services that promote recovery and
8 resiliency-based systems of care; requiring
9 that certain members appointed to the
10 corporation be primary consumers of mental
11 health or substance abuse services or family
12 members of primary consumers of such services;
13 defining the term "primary consumer"; delaying
14 the date when provisions establishing the
15 corporation are scheduled to expire; amending
16 s. 394.66, F.S.; revising and providing
17 additional legislative intent with respect to
18 the substance abuse and mental health services
19 provided by the Department of Children and
20 Family Services and its providers; requiring
21 that continuity of care be ensured for persons
22 having a mental illness who are released from a
23 state correctional facility; repealing s. 3 of
24 ch. 2003-279, Laws of Florida; deleting the
25 expiration date of s. 20.19(2)(c) and (4)(b)6.
26 and 8., F.S., relating to the Mental Health and
27 Substance Abuse Program Offices and the
28 appointment of the Assistant Secretary for
29 Substance Abuse and Mental Health and other
30 personnel; providing an effective date.
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1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. Subsections (3), (6), and (11) of section
4 394.655, Florida Statutes, are amended to read:

5 394.655 The Substance Abuse and Mental Health
6 Corporation; powers and duties; composition; evaluation and
7 reporting requirements.--

8 (3)(a) The Florida Substance Abuse and Mental Health
9 Corporation shall direct efforts designed to improve
10 interagency coordination of substance abuse and mental health
11 services in order to ensure that these services promote
12 recovery and resiliency-based systems of care. The corporation
13 shall provide oversight of the publicly funded substance abuse
14 and mental health systems and make policy and resource
15 recommendations that will promote system transformation by
16 providing mechanisms for input from stakeholders, including
17 primary consumers, family members, providers, and advocates,
18 concerning the management of the overall system, and that be
19 ~~responsible for oversight of the publicly funded substance~~
20 ~~abuse and mental health systems and for making policy and~~
21 ~~resources recommendations which~~ will improve the coordination,
22 quality, and efficiency of the system.

23 (b) Subject to and consistent with direction set by
24 the Legislature, the corporation shall ~~exercise the following~~
25 ~~responsibilities~~:

26 1. Identify systemic needs for substance abuse and
27 mental health services and for recovery and resiliency-based
28 systems of care.

29 2. Identify specific needs for substance abuse and
30 mental health services and for recovery and resiliency-based
31 systems of care for each state agency that funds, purchases,

1 or provides such services. The corporation shall prepare
2 budget recommendations for submission to the appropriate
3 departments for consideration in the development of their
4 legislative budget requests and shall provide copies to the
5 Governor, the President of the Senate, and the Speaker of the
6 House of Representative for their consideration.

7 3. Facilitate improved coordination and collaboration
8 among state agencies that fund, purchase, or provide substance
9 abuse or mental health services in order to support recovery
10 and resiliency-based systems of care.

11 4. Identify impediments to implementing recovery and
12 resiliency-based systems of care for substance abuse and
13 mental health programs.

14 ~~1. Review and assess the collection and analysis of~~
15 ~~needs assessment data as described in s. 394.82.~~

16 ~~2. Review and assess the status of the publicly funded~~
17 ~~mental health and substance abuse systems and recommend policy~~
18 ~~designed to improve coordination and effectiveness.~~

19 ~~3. Provide mechanisms for substance abuse and mental~~
20 ~~health stakeholders, including consumers, family members,~~
21 ~~providers, and advocates to provide input concerning the~~
22 ~~management of the overall system.~~

23 ~~4. Recommend priorities for service expansion.~~

24 ~~5. Prepare budget recommendations to be submitted to~~
25 ~~the appropriate departments for consideration in the~~
26 ~~development of their legislative budget requests and provide~~
27 ~~copies to the Governor, the President of the Senate, and the~~
28 ~~Speaker of the House of Representatives for their~~
29 ~~consideration.~~

30 ~~6. Review data regarding the performance of the~~
31 ~~publicly funded substance abuse and mental health systems.~~

1 ~~7. Make recommendations concerning strategies for~~
2 ~~improving the performance of the systems.~~

3 ~~8. Review, assess, and forecast substance abuse and~~
4 ~~mental health manpower needs and work with the department and~~
5 ~~the educational system to establish policies, consistent with~~
6 ~~the direction of the Legislature, which will ensure that the~~
7 ~~state has the personnel it needs to continuously implement and~~
8 ~~improve its services.~~

9 (c)(b) The corporation shall work with the department
10 and the Agency for Health Care Administration to assure, to
11 the maximum extent possible, that Medicaid and
12 department-funded services are delivered in a coordinated
13 manner, using common service definitions, standards, and
14 accountability mechanisms.

15 (d)(e) The corporation shall also work with other
16 agencies of state government which provide, purchase, or fund
17 substance abuse and mental health programs and services in
18 order to work toward fully developed and integrated, when
19 appropriate, substance abuse and mental health systems that
20 reflect current knowledge regarding efficacy and efficiency
21 and use best practices identified within this state or other
22 states.

23 (e)(d) The corporation shall develop memoranda of
24 understanding that describe how it will coordinate with other
25 programmatic areas within the department and with other state
26 agencies that deliver or purchase substance abuse or mental
27 health services.

28 (6)(a) The corporation shall be comprised of 12
29 members, each appointed to a 2-year term, with not more than
30 three subsequent reappointments, except that initial
31 legislative appointments shall be for 3-year terms. Four

1 members shall be appointed by the Governor, four members shall
2 be appointed by the President of the Senate, and four members
3 shall be appointed by the Speaker of the House of
4 Representatives.

5 1. The four members appointed by the Governor must be
6 prominent community or business leaders, two of whom must have
7 experience and interest in substance abuse and two of whom
8 must have experience and interest in mental health.

9 2. Of the four members appointed by the President of
10 the Senate, one member must represent the perspective of
11 community-based care under chapter 409, one member must be a
12 primary consumer ~~former client~~ or family member of a primary
13 consumer of ~~client of a publicly funded~~ mental health services
14 ~~program~~, and two members must be prominent community or
15 business leaders, one of whom must have experience and
16 interest in substance abuse and one of whom must have
17 experience and interest in mental health.

18 3. Of the four members appointed by the Speaker of the
19 House of Representatives, one member must be a primary
20 consumer ~~former client~~ or family member of a primary consumer
21 of ~~client of a publicly funded~~ substance abuse services
22 ~~program~~, one member must represent the perspective of the
23 criminal justice system, and two members must be prominent
24 community or business leaders, one of whom must have
25 experience and interest in substance abuse and one of whom
26 must have experience and interest in mental health. The
27 Secretary of Children and Family Services, or his or her
28 designee, the Secretary of Health Care Administration, or his
29 or her designee, and a representative of local government
30 designated by the Florida Association of Counties shall serve
31 as ex officio members of the corporation.

1 **(b)** As used in this subsection, the term "primary
2 consumer" means a person who voluntarily identifies himself or
3 herself as a person who is currently receiving, or has in the
4 past received, mental health or substance abuse services from
5 a public or private provider or agency; who can articulate
6 shared experiences, such as stigmatization, psychotropic
7 medications, suicidal ideation, seclusion or restraint,
8 benefit eligibility, trauma, or violence history, which are
9 similar to the experiences of other persons who have received
10 such services; and who voluntarily acts as an advocate for the
11 improvement of mental health or substance abuse services
12 through his or her vocation or avocation.

13 **(c)**~~(b)~~ The corporation shall be chaired by a member
14 designated by the Governor who may not be a public sector
15 employee.

16 **(d)**~~(c)~~ Persons who derive their income from resources
17 controlled by the Department of Children and Family Services
18 or the Agency for Health Care Administration may not be
19 members of the corporation.

20 **(e)**~~(d)~~ The Governor, the President of the Senate, and
21 the Speaker of the House of Representatives shall make their
22 respective appointments within 60 days after the effective
23 date of this act.

24 **(f)**~~(e)~~ A member of the corporation may be removed by
25 the appointing party for cause. Absence from three consecutive
26 meetings shall result in automatic removal. The chairperson of
27 the corporation shall notify the appointing party of such
28 absences.

29 **(g)**~~(f)~~ The corporation shall develop bylaws that
30 describe how it will conduct its work.

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1 ~~(h)(g)~~ The corporation shall meet at least quarterly
2 and at other times upon the call of its chair. Corporation
3 meetings may be held via teleconference or other electronic
4 means.

5 ~~(i)(h)~~ A majority of the total current membership of
6 the corporation constitutes a quorum of the corporation. The
7 corporation may only meet and take action when a quorum is
8 present.

9 ~~(j)(i)~~ Within resources appropriated by the
10 Legislature and other funds available to the corporation, the
11 chairperson of the corporation may appoint advisory committees
12 to address and advise the corporation on particular issues
13 within its scope of responsibility. Members of advisory
14 committees are not subject to the prohibition in paragraph
15 (c).

16 ~~(k)(j)~~ Members of the corporation and its committees
17 shall serve without compensation but are entitled to
18 reimbursement for travel and per diem expenses pursuant to s.
19 112.061.

20 ~~(l)(k)~~ Each member of the corporation who is not
21 otherwise required to file a financial disclosure statement
22 pursuant to s. 8, Art. II of the State Constitution or s.
23 112.3144 must file disclosure of financial interests pursuant
24 to s. 112.3145.

25 (11) This section expires on October 1, 2011 ~~2006~~,
26 unless reviewed and reenacted by the Legislature before that
27 date.

28 Section 2. Section 394.66, Florida Statutes, is
29 amended to read:

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1 394.66 Legislative intent with respect to substance
2 abuse and mental health services.--It is the intent of the
3 Legislature to:

4 (1) Ensure that a recovery and resiliency-based
5 substance abuse and mental health system is implemented by the
6 department and its state-funded mental health providers.

7 ~~(2)(1)~~ Recognize that mental illness and substance
8 abuse impairment are diseases that are responsive to medical
9 and psychological interventions and management that integrate
10 treatment, rehabilitative, and support services to achieve
11 recovery ~~quality and cost efficient outcomes for clients and~~
12 ~~for community based treatment systems.~~

13 ~~(3)(2)~~ Promote and improve the mental health of the
14 citizens of the state by making substance abuse and mental
15 health treatment and support services available to those
16 persons who are most in need and least able to pay, through a
17 community-based system of care.

18 ~~(4)(3)~~ Involve local citizens in the planning of
19 substance abuse and mental health services in their
20 communities.

21 ~~(5)(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 persons served ~~clients.~~

26 ~~(6)(5)~~ Ensure that all activities of the Department of
27 Children and Family Services and the Agency for Health Care
28 Administration, and their respective contract providers,
29 involved in the delivery of substance abuse and mental health
30 treatment and prevention services are coordinated and
31 integrated with other local systems and groups, public and

1 private, such as juvenile justice, criminal justice, child
2 protection, and public health organizations; school districts;
3 and local groups or organizations that focus on services to
4 older adults.

5 ~~(7)(6)~~ Provide access to crisis services to all
6 residents of the state with priority of attention being given
7 to individuals exhibiting symptoms of acute mental illness or
8 substance abuse.

9 ~~(8)(7)~~ Ensure that services provided to persons with
10 co-occurring mental illness and substance abuse problems be
11 integrated across treatment systems.

12 ~~(9)(8)~~ Ensure continuity of care, consistent with
13 minimum standards, for persons who are released from a state
14 treatment facility into the community.

15 (10) Ensure continuity of care, consistent with
16 minimum standards, for persons with serious and persistent
17 mental illnesses who are released from a state correctional
18 facility into the community.

19 ~~(11)(9)~~ Provide accountability for service provision
20 through statewide standards for treatment and support
21 services, and statewide standards for management, monitoring,
22 and reporting of information.

23 ~~(12)(10)~~ Include substance abuse and mental health
24 services as a component of the integrated service delivery
25 system of the Department of Children and Family Services.

26 ~~(13)(11)~~ Ensure that the districts of the department
27 are the focal point of all substance abuse and mental health
28 planning activities, including budget submissions, grant
29 applications, contracts, and other arrangements that can be
30 effected at the district level.

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1 ~~(14)~~~~(12)~~ Organize and finance community substance
2 abuse and mental health services in local communities
3 throughout the state through locally administered service
4 delivery programs that are based on client outcomes, are
5 programmatically effective, and are financially efficient, and
6 that maximize the involvement of local citizens.

7 ~~(15)~~~~(13)~~ Promote best practices and the highest
8 quality of care in contracted alcohol, drug abuse, and mental
9 health services through achievement of national accreditation.

10 ~~(16)~~~~(14)~~ Ensure that the state agencies licensing and
11 monitoring contracted providers perform in the most
12 cost-efficient and effective manner with limited duplication
13 and disruption to organizations providing services.

14 Section 3. Section 3 of chapter 2003-279, Laws of
15 Florida, is repealed.

16 Section 4. This act shall take effect upon becoming a
17 law.

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