

ENROLLED
 HB 5009, Engrossed 1

2006 Legislature

1 A bill to be entitled
 2 An act relating to substance abuse and mental health
 3 services funding; amending s. 394.457, F.S.; deleting
 4 provisions authorizing a reimbursement rate of 100 percent
 5 by the Department of Children and Family Services for
 6 certain services provided under the Baker Act; amending s.
 7 394.908, F.S.; revising the funding allocation
 8 methodology; providing an effective date.

9

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

11

12 Section 1. Subsection (3) of section 394.457, Florida
 13 Statutes, is amended to read:

14 394.457 Operation and administration.--

15 (3) POWER TO CONTRACT.--The department may contract to
 16 provide, and be provided with, services and facilities in order
 17 to carry out its responsibilities under this part with the
 18 following agencies: public and private hospitals; receiving and
 19 treatment facilities; clinics; laboratories; departments,
 20 divisions, and other units of state government; the state
 21 colleges and universities; the community colleges; private
 22 colleges and universities; counties, municipalities, and any
 23 other governmental unit, including facilities of the United
 24 States Government; and any other public or private entity which
 25 provides or needs facilities or services. Baker Act funds for
 26 community inpatient, crisis stabilization, short-term
 27 residential treatment, and screening services must be allocated
 28 to each county pursuant to the department's funding allocation

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29 methodology. Notwithstanding the provisions of s. 287.057(5)(f),
30 contracts for community-based Baker Act services for inpatient,
31 crisis stabilization, short-term residential treatment, and
32 screening provided under this part, other than those with other
33 units of government, to be provided for the department must be
34 awarded using competitive sealed bids when the county commission
35 of the county receiving the services makes a request to the
36 department's district office by January 15 of the contracting
37 year. The district shall not enter into a competitively bid
38 contract under this provision if such action will result in
39 increases of state or local expenditures for Baker Act services
40 within the district. Contracts for these Baker Act services
41 using competitive sealed bids will be effective for 3 years.
42 ~~Services contracted for by the department may be reimbursed by~~
43 ~~the state at a rate up to 100 percent.~~ The department shall
44 adopt rules establishing minimum standards for such contracted
45 services and facilities and shall make periodic audits and
46 inspections to assure that the contracted services are provided
47 and meet the standards of the department.

48 Section 2. Section 394.908, Florida Statutes, is amended
49 to read:

50 394.908 Substance abuse and mental health funding equity;
51 distribution of appropriations.--In recognition of the
52 historical inequity ~~among service districts of the former~~
53 ~~Department of Health and Rehabilitative Services~~ in the funding
54 of substance abuse and mental health services for the
55 department's districts and regions, and ~~in order~~ to rectify this
56 inequity and provide for equitable funding in the future

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57 throughout the state, the following funding process shall be
 58 used ~~adhered to~~:

59 (1) Funding thresholds for substance abuse and mental
 60 health services in each of the current districts, statewide,
 61 shall be established based on the current number of persons in
 62 need per district of substance abuse and mental health services,
 63 respectively.

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

67 (3) ~~Seventy-five percent of~~ Any additional funding beyond
 68 the 2005-2006 ~~1996-1997~~ fiscal year base appropriation for
 69 alcohol, drug abuse, and mental health services shall be
 70 allocated to districts for substance abuse and mental health
 71 services based on:

72 (a) Epidemiological estimates of disabilities that ~~which~~
 73 apply to the respective target populations.

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

78 ~~(4) The remaining 25 percent shall be allocated based on~~
 79 ~~the number of persons in need of substance abuse and mental~~
 80 ~~health services per district without regard to current funding~~
 81 ~~levels.~~

82 (4) ~~(5)~~ Target populations for persons in need shall be
 83 displayed for each district and distributed concurrently with
 84 the approved operating budget. The display by target population

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85 shall show: The annual number of persons served based on prior
86 year actual numbers, the annual cost per person served, ~~the~~
87 ~~number of persons served by service cost center,~~ and the
88 estimated number of the total target population for persons in
89 need.

90 (5)~~(6)~~ The annual cost per person served shall be defined
91 as the total actual funding for each target population divided
92 by the number of persons served in the target population for
93 that year.

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

96 ~~(8) For fiscal year 2004 2005 only, and notwithstanding~~
97 ~~the provisions of this section, all new funds received in excess~~
98 ~~of fiscal year 2003 2004 recurring appropriations shall be~~
99 ~~allocated in accordance with the provisions of the General~~
100 ~~Appropriations Act; however, no district shall receive an~~
101 ~~allocation of recurring funds less than its initial approved~~
102 ~~operating budget, plus any distributions of lump sum~~
103 ~~appropriations or reductions in unfunded budget, for fiscal year~~
104 ~~2003 2004. This subsection expires July 1, 2005.~~

105 Section 3. This act shall take effect July 1, 2006.