

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1477 Forensic Mental Health Services  
**SPONSOR(S):** Ausley and others  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 542

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Healthy Families</u>	<u>8 Y, 0 N</u>	<u>Mitchell</u>	<u>Mitchell</u>
2) <u>Healthcare Council</u>	<u></u>	<u>Mitchell</u>	<u>Gormley</u>
3) <u>Policy &amp; Budget Council</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

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### SUMMARY ANALYSIS

HB 1477 creates the Public Safety Mental Health and Substance Abuse Local Matching Grant Program. It provides matching grant awards to local communities to address the needs of persons with serious mental illness and substance abuse problems who are in or at risk of entering the criminal justice system. It establishes the Criminal Justice Mental Health Policy Council within the Substance Abuse and Mental Health Corporation to oversee the grants and creates the Public Safety, Mental Health, and Substance Abuse Technical Assistance Center to help local communities plan and implement their local efforts.

The House version of the General Appropriations Act appropriates \$4,000,000 from the General Revenue Fund to provide grants through the Public Safety, Mental Health and Substance Abuse Matching Grant program and to establish the Public Safety, Mental Health, and Substance Abuse Technical Assistance Center.

The enacting date of the bill is upon becoming law.

## **FULL ANALYSIS**

### **I. SUBSTANTIVE ANALYSIS**

#### **A. HOUSE PRINCIPLES ANALYSIS:**

Provide limited government: The bill provides grants for local communities to plan and implement programs to better use local resources to serve people with serious mental illnesses and substance use disorders in Florida's criminal justice system, to reduce the number who must be held in state forensic mental health facilities and prisons.

#### **B. EFFECT OF PROPOSED CHANGES:**

This bill addresses the high number of people with serious mental illnesses and substance use disorders in Florida's criminal justice system. The bill provides for grants to communities to bring together key stakeholders to implement programs to serve this population and help reduce the use of state forensic treatment facilities and prisons. The bill requires equal local matching funds.

Currently there is no required planning process that brings together all of the local stakeholders who should be addressing the needs of this population. Local governments, the judiciary, law enforcement, providers of mental health and substance abuse services, advocates, consumers and state agencies should all be working together to address the situation.

The bill amends the composition of the local Public Safety Councils to include mental health and substance abuse experts and consumers, and to require them to make recommendations to the county boards of commissioners regarding local forensic mental health and substance abuse problems.

Based upon these recommendations, counties can apply for local matching grant awards. Grant awards include a 1-year planning grant or a 3-year implementation grant. Both awards require counties to address systemic change for the identification and treatment of mental illnesses and substance abuse disorders, and strategies to divert these individuals from commitment to the department under s. 916.17, F.S.

The Criminal Justice Mental Health Policy Council of the Florida Substance Abuse and Mental Health Corporation will establish award criteria and notify the department of approved applications. The composition of the Council includes the Secretaries of the Departments of Children and Family Services, Corrections, Health Care Administration, Juvenile Justice and the State Courts Administrator who will serve as the grant review committee for the program.

The bill creates the Public Safety, Mental Health, and Substance Abuse Technical Assistance Center at the Louis de la Parte Florida Mental Health Institute at the University of South Florida. The Technical Assistance Center will assist local communities with their planning and implementation. The Technical Assistance Center and the Florida Substance Abuse and Mental Health Corporation will jointly submit annual reports concerning the program to the Governor, President of the Senate and Speaker of the House.

#### **PRESENT SITUATION**

According to the Department of Children and Families, as of March 7, 2007, there are 218 persons designated incompetent to proceed to trial or not guilty by reason of insanity, awaiting placement in a state mental health forensic treatment facility. One hundred fifty individuals have been waiting longer than 15 days for admission due to lack of available capacity.

Currently, the Department of Children and Families and the Department of Corrections work to ensure former inmates with severe and persistent mental illnesses receive aftercare follow-up. The

department, including its state mental health treatment facilities, works with community mental health providers to identify limited resources to serve forensic individuals in the community who remain under court jurisdiction on conditional release or administrative probation.

Many individuals with mental illnesses and co-occurring substance abuse disorders become involved with the criminal justice system because they lack access to appropriate therapeutic services and medications. Often, they become repeat offenders and eventually serve time in prison. In addition, many individuals with chronic mental illnesses are referred to state mental health treatment facilities due to a lack of local coordination of resources to address their needs. Many of these individuals can receive community-based services that are more appropriate and cost-effective in meeting their needs.

The GAINS Center of the U. S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, estimates approximately 800,000 persons with serious mental illness are admitted to U.S. jails annually and 72 percent of these individuals meet criteria for co-occurring substance abuse. The Bureau of Justice Statistics reports over 16 percent of adults incarcerated in U.S. jails and prisons have mental illnesses. According to the Florida Commission on Mental Health and Substance Abuse, at least 15,870 inmates in Florida's jails and prisons have mental illnesses. Approximately 16 percent of the adult correctional population has a mental illness (Department of Corrections, 2006).

The Department of Corrections 2005 data indicates approximately 64 percent (54,242) of the inmate prison population (84,895) are identified as being in need of substance abuse treatment. Of those, 17 percent have a co-occurring mental illness needing treatment.

In June 2006, the Department of Children and Families, Department of Juvenile Justice and Department of Corrections applied for a grant from the Bureau of Justice Assistance to implement local, community planning grants for addressing the needs of individuals with mental illnesses involved with the criminal justice system. Although a grant award was not received, community planning and implementation grants with major stakeholder involvement can build on these efforts to help address the problems of persons with mental health and substance abuse problems in Florida's forensic system who are most in need of treatment.

#### C. SECTION DIRECTORY:

**Section 1.** Creates s. 394.6551, F.S., establishing the Public Safety, Mental Health, and Substance Abuse Local Matching Grant Program and program requirements.

**Section 2.** Amends s. 951.26, F.S., relating to Public Safety Councils to add membership representing mental health and substance abuse stakeholders and require recommendations to the board of county commissioners on use of grant funds.

**Section 3.** Creates an unnumbered section of Florida Statutes to establish a Criminal Justice Mental Health Policy Council and its requirements.

**Section 4.** Provides for the establishment of the Public Safety, Mental Health, and Substance Abuse Technical Assistance Center to assist communities in planning and implementing their local efforts.

**Section 5.** Provides the effective date of the bill of upon become law.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

None.

2. Expenditures:

The House version of the General Appropriations Act (GAA) appropriates \$4,000,000 from the General Revenue Fund to provide grants through the Public Safety, Mental Health and Substance Abuse Matching Grant program and to establish the Public Safety, Mental Health, and Substance Abuse Technical Assistance Center. The proviso in the House proposed GAA specifies that \$3,850,000 shall be used to provide grants and \$150,000 is for the technical assistance center.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The bill requires local governments to provide equal matching funds in order to receive a grant award.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Estimated expenditures for the Substance Abuse and Mental Health Corporation and the Public Safety, Mental Health, and Substance Abuse Technical Assistance Center are based on the following cost analysis provided by the department:

- First year non-recurring furniture and computer expenses of \$4,328.
- Recurring PG 26 equivalent position with travel and expenses, for the Substance Abuse and Mental Health Corporation of \$90,251, in the first year and \$113,826 in the second year.
- Travel expenses to 12 meetings and meeting space for the SAMH Corporation Review Committee of \$20,000 each year.
- The Florida Mental Health Institute Public Safety, Mental Health, and Substance Abuse Technical Assistance Center indicates it will require at least \$500,000 each year to perform the legislatively mandated functions. The Institute will hire a Center director and Staff expert in methods for collecting and analyzing data as required by the bill.
- Printing of annual report is estimated to cost \$5,000 each year.

The Florida Mental Health Institute indicates it has the technical ability to perform the functions detailed in this bill but it is difficult to predict the cost of performing the required functions. Staff will be required to analyze the utilization of services and to evaluate the performance of the counties.

The bill requires the Department of Children and Families to be the pass-through agent for the grant awards, providing transfer authority to the counties receiving grant awards. According to the department if funding for 3-year implementation grants provide a significant increase in funding, the department may require additional contract management staff to cover the increased workload.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

The proposed bill requires communities to use the local Public Safety Councils and does not allow for other bodies such as Miami-Dade County Mayor's Task Force that are currently addressing this issue. In discussions with counties, some wish to have flexibility to use existing task forces for this purpose.

**D. STATEMENT OF THE SPONSOR**

No statement provided.

**IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES**

On March 20, 2007, the Committee on Healthy Families adopted an amendment by the bill sponsor that is traveling with the bill, and voted the bill favorably.

The amendment provides that the bill takes effect only if a specific appropriation to fund its provisions is made in the General Appropriations Act. The House version of the General Appropriations Act contains an appropriation.