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1 A bill to be entitled
2 An act relating to forensic mental health services;
3 creating s. 394.6551, F.S.; creating the Public Safety,
4 Mental Health, and Substance Abuse Local Matching Grant
5 Program within the Department of Children and Family
6 Services, contingent upon an appropriation by the
7 Legislature; requiring the Substance Abuse and Mental
8 Health Corporation, in collaboration with the department,
9 to establish criteria to be used by the Criminal Justice
10 Mental Health Policy Council to award grants; providing
11 for planning grants and implementation or expansion
12 grants; providing definitions; requiring public safety
13 councils to make recommendations to county boards of
14 commissioners regarding implementation of the grant
15 program; providing eligibility criteria for grants;
16 providing a limitation on administrative costs; amending
17 s. 951.26, F.S.; revising the membership of public safety
18 coordinating councils; requiring public safety councils to
19 make recommendations to county boards of commissioners
20 regarding implementation of the grant program; creating s.
21 951.261, F.S.; creating the Criminal Justice Mental Health
22 Policy Council within the Substance Abuse and Mental
23 Health Corporation; providing for membership; providing
24 the purpose of the council; requiring that the council
25 serve as the statewide Public Safety, Mental Health, and
26 Substance Abuse Local Matching Grant Program review
27 committee; requiring the council to submit a list of
28 approved applicants for such grants; requiring the council

29 to work with other specified entities; providing for
 30 agency liaisons; establishing the Public Safety, Mental
 31 Health, and Substance Abuse Technical Assistance Center
 32 within the Louis de la Parte Florida Mental Health
 33 Institute at the University of South Florida; providing
 34 for certain functions to be performed by the center;
 35 requiring the center to submit an annual report to the
 36 Governor and Legislature by a specified date; providing an
 37 effective date.

38

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

40

41 Section 1. Section 394.6551, Florida Statutes, is created
 42 to read:

43 394.6551 Public Safety, Mental Health, and Substance Abuse
 44 Local Matching Grant Program.--Contingent upon an annual
 45 appropriation by the Legislature, the Public Safety, Mental
 46 Health, and Substance Abuse Local Matching Grant Program is
 47 established and shall be operated by the Department of Children
 48 and Family Services for the purpose of providing funds to
 49 counties to plan, implement, or expand initiatives that will
 50 increase public safety, avert increased corrections
 51 expenditures, and improve the accessibility and effectiveness of
 52 mental health and substance abuse treatment services for persons
 53 with mental illnesses, substance abuse disorders, or co-
 54 occurring mental health and substance abuse disorders and who
 55 are in, or at risk of entering, the criminal justice system.

56 (1) The Substance Abuse and Mental Health Corporation in

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57 collaboration with the Department of Children and Family
58 Services shall establish criteria to be used by the Criminal
59 Justice Mental Health Policy Council created under s. 951.261 to
60 award public safety, mental health, and substance abuse local
61 matching grants in the form of planning grants and
62 implementation or expansion grants.

63 (a) To receive a 1-year planning grant, a county or
64 consortium of counties must provide information that
65 demonstrates a strategic, collaborative plan to initiate
66 systemic change for the identification and treatment of persons
67 with mental illnesses, substance abuse disorders, or co-
68 occurring mental health and substance abuse disorders who are
69 in, or at risk of entering, the criminal justice system. The 1-
70 year planning grant shall include support from all levels of
71 government and criminal justice, mental health, and substance
72 abuse treatment services, including public-private partnership
73 models. The planning grant shall address strategies to divert
74 individuals from commitment to the department in accordance with
75 s. 916.17.

76 (b) To receive a 3-year implementation or expansion grant,
77 a county must provide information that demonstrates the
78 completion of a well-established collaboration plan that
79 includes public-private partnership models and demonstrates best
80 use and evidence-based practices. Implementation or expansion
81 grants may support programs and initiatives such as mental
82 health courts and diversion and alternative prosecution and
83 sentencing programs, crisis intervention teams, treatment
84 accountability services, specialized training for criminal

85 justice and treatment services professionals, service delivery
86 for collateral services such as housing and corrections,
87 transitional housing, and supported employment and reentry
88 services to create or expand mental health and substance abuse
89 support services. Each application must include the following
90 information:

91 1. An analysis of the current jail population in the
92 county, which includes:

93 a. The screening and assessment process that the county
94 uses to identify a person with mental illness, a substance abuse
95 problem, or a co-occurring disorder.

96 b. The percentage of persons admitted to the jail with
97 mental illness, a substance abuse problem, or a co-occurring
98 disorder, respectively.

99 c. An analysis of observed contributing factors that
100 affect county jail population trends.

101 2. The strategies the county intends to use to serve one
102 or more clearly defined subsets of the jail population with
103 mental illness or those at risk of arrest and incarceration. The
104 proposed strategies may include the identification of the
105 population designated to receive the new interventions, a
106 description of the services and supervision strategies to be
107 applied to that population, and the goals and measurable
108 objectives of the new interventions. The interventions a county
109 may use may include, but are not limited to:

110 a. Specialized responses by law enforcement agencies.

111 b. Centralized receiving facilities for an individual
112 evidencing behavioral difficulties.

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- 113 c. Postbooking alternatives to incarceration.
- 114 d. New court programs, including pretrial services and
115 specialized dockets.
- 116 e. Specialized diversion programs.
- 117 f. Intensified transition services that are directed to
118 designated populations while an individual is incarcerated and
119 services to facilitate transition back into the community.
- 120 g. Specialized probation processes.
- 121 h. Day-reporting centers.
- 122 i. Specific linkages to community-based, evidence-based
123 treatment programs for persons with mental illnesses who are in,
124 or at risk of entering, the criminal justice system.
- 125 j. Community services and programs designed to prevent
126 high-risk populations from becoming involved in the criminal
127 justice system.
- 128 3. The projected impact of the proposed initiative on the
129 jail population and the jail's budget, including:
- 130 a. How the county's proposed initiative will reduce the
131 expenditures associated with the incarceration of persons with
132 mental illnesses.
- 133 b. The methodology that the county will use to measure the
134 defined outcomes and the corresponding fiscal savings or averted
135 costs.
- 136 c. How the fiscal savings or averted costs will facilitate
137 the sustainability or expansion of mental health or substance
138 abuse services in the community.
- 139 d. How the county's proposed initiative will reduce the
140 number of individuals committed to state mental health treatment

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141 facilities.

142 4. The proposed strategies that the county will use to
143 preserve and enhance its community mental health and substance
144 abuse system that serves as the local behavioral health safety
145 net and receives federal, state, and local funding to serve low-
146 income and uninsured individuals, and the proposed strategies
147 for long-term sustainability of the implemented or expanded
148 programs and initiatives that resulted from this grant funding.

149 (2) (a) A 1-year planning grant may not be awarded unless
150 the applicant county or consortium of counties contributes
151 available resources in an amount equal to the total amount of
152 the grant.

153 (b) A 3-year implementation or expansion grant may not be
154 awarded unless the applicant county or consortium of counties
155 contributes available resources equal to the total amount of the
156 grant. This contribution must be used for expansion of services
157 and not to supplant existing funds dedicated to providing those
158 services. An implementation or expansion grant must be used for
159 the implementation of new services or the expansion of existing
160 services and not to supplant existing funds for services.

161
162 As used in this subsection, the term "available resources"
163 includes in-kind contributions from participating counties.

164 (3) Public safety coordinating councils, in coordination
165 with county offices of planning and budget, shall make a formal
166 recommendation to the board of county commissioners regarding
167 how the Public Safety, Mental Health, and Substance Abuse Local
168 Matching Grant Program may best be implemented within the

169 community. Other established criminal justice, mental health,
 170 and substance abuse planning committees or task forces are not
 171 prohibited from making recommendations to the board of county
 172 commissioners regarding the grant program. The board of county
 173 commissioners may assign any entity to prepare the application
 174 on behalf of the county administration for submission to the
 175 corporation for review.

176 (4) (a) Upon majority approval by the board of county
 177 commissioners of a county, a county administration may apply for
 178 a 1-year planning grant or a 3-year implementation or expansion
 179 grant for investment in treatment services for persons with
 180 mental illnesses, substance use disorders, or co-occurring
 181 mental health and substance use disorders who are in, or at risk
 182 of entering, the criminal justice system.

183 (b) To be eligible to receive a 1-year planning grant or a
 184 3-year implementation or expansion grant, the applying county
 185 must have an established planning committee to assist in
 186 implementing the grant proposal.

187 (5) The administrative costs for each county or consortium
 188 of counties shall not exceed 10 percent of the dollars received
 189 for planning grants or for implementation and expansion grants.

190 Section 2. Subsections (1) and (2) of section 951.26,
 191 Florida Statutes, are amended to read:

192 951.26 Public safety coordinating councils.--

193 (1) Each board of county commissioners shall establish a
 194 county public safety coordinating council for the county or
 195 shall join with a consortium of one or more other counties to

196 establish a public safety coordinating council for the
 197 geographic area represented by the member counties.

198 (a)1. The public safety coordinating council for a county
 199 shall consist of:

200 a. The state attorney, or an assistant state attorney
 201 designated by the state attorney.

202 b. The public defender, or an assistant public defender
 203 designated by the public defender.

204 c. The chief circuit judge, or another circuit judge
 205 designated by the chief circuit judge.

206 d. The chief county judge, or another county judge
 207 designated by the chief county judge.

208 e. The chief correctional officer or the chief of police
 209 of the largest municipality within the county, or a member
 210 designated by the chief of police.

211 f. The sheriff, or a member designated by the sheriff, if
 212 the sheriff is not the chief correctional officer.

213 g. The state probation circuit administrator, or a member
 214 designated by the state probation circuit administrator, to be
 215 appointed to a 4-year term.

216 h. The court administrator or designee.

217 ~~i.h.~~ The chairperson of the board of county commissioners,
 218 or another county commissioner as designee, or, in the case of a
 219 consortium of counties, a county commissioner or designee from
 220 each member county.

221 ~~j.i.~~ If the county has such program available, the
 222 director of any county probation or pretrial intervention
 223 program, to be appointed to a 4-year term.

224 ~~k.j.~~ The director of a local substance abuse treatment
 225 program, or a member designated by the director, to be appointed
 226 to a 4-year term.

227 l. The director of a community mental health agency
 228 operating in the county, or a member designated by the director.

229 m. A representative of the Mental Health and Substance
 230 Abuse Program Offices of the Department of Children and Family
 231 Services selected by the district administrator of the service
 232 district having jurisdiction over the county.

233 n. The director of a juvenile justice detention facility
 234 in the county, or a member designated by the director.

235 ~~o.k.~~ Representatives from county and state jobs programs
 236 and other community groups who work with offenders and victims,
 237 appointed by the chairperson of the board of county
 238 commissioners to 4-year terms.

239 p. Three representatives recommended by members of the
 240 mental health or substance abuse community appointed by the
 241 board of county commissioners from the following list:

242 (I) A primary consumer of mental health services,
 243 recommended by the district administrator of the district having
 244 jurisdiction over the county.

245 (II) A primary consumer of substance abuse treatment
 246 services, recommended by the district administrator of the
 247 district having jurisdiction over the county.

248 (III) A primary family member of a consumer of community-
 249 based mental health or substance abuse treatment services,
 250 recommended by the district administrator of the district having
 251 jurisdiction over the county.

252 (IV) A physician who practices in the area of alcohol and
 253 substance abuse.

254 (V) A physician who practices in the area of psychiatry.

255 (VI) A psychiatrist familiar with community-based care.

256 (VII) A representative from an area homeless program or
 257 supportive housing coalition.

258 2. The chairperson of the board of county commissioners,
 259 or another county commissioner as designee, shall serve as the
 260 chairperson of the council until the council elects a
 261 chairperson from the membership of the council.

262 (b)1. The public safety coordinating council for a
 263 consortium of two or more counties shall consist of the
 264 following members, appointed with the approval of each board of
 265 county commissioners within the consortium:

266 a. A chief circuit judge, or a circuit judge designated by
 267 a chief circuit judge.

268 b. A chief county judge, or a county judge designated by a
 269 chief county judge.

270 c. A state attorney, or an assistant state attorney
 271 designated by a state attorney.

272 d. A public defender, or an assistant public defender
 273 designated by a public defender.

274 e. A state probation circuit administrator, or a member
 275 designated by a state probation circuit administrator, to be
 276 appointed to a 4-year term.

277 f. A physician who practices in the area of alcohol and
 278 substance abuse, to be appointed to a 4-year term.

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279 g. A mental health professional who practices in the area
280 of alcohol and substance abuse, to be appointed to a 4-year
281 term.

282 h. A sheriff or a jail administrator for a county within
283 the consortium.

284 i. A chief of police for a municipality within the
285 geographic area of the consortium.

286 j. A county commissioner from each member county of the
287 consortium.

288 k. An elected member of the governing body of the most
289 populous municipality within the geographic area of the
290 consortium.

291 l. An elected member of a school board within the
292 geographic area of the consortium.

293 2. The members of the public safety coordinating council
294 shall elect a chairperson from among its members.

295 (2) The council shall meet at the call of the chairperson
296 for the purpose of assessing the population status of all
297 detention or correctional facilities owned or contracted by the
298 county, or the county consortium, and formulating
299 recommendations to ensure that the capacities of such facilities
300 are not exceeded. Such recommendations shall include an
301 assessment of the availability of pretrial intervention or
302 probation programs, work-release programs, substance abuse
303 programs, gain-time schedules, applicable bail bond schedules,
304 and the confinement status of the inmates housed within each
305 facility owned or contracted by the county, or the county
306 consortium. The council shall also provide a formal

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307 recommendation to the board of county commissioners in
308 coordination with the county's or counties' offices of planning
309 and budget on how the Public Safety, Mental Health, and
310 Substance Abuse Local Matching Grant Program may be best
311 implemented within their community.

312 Section 3. Section 951.261, Florida Statutes, is created
313 to read:

314 951.261 Criminal Justice Mental Health Policy Council.--

315 (1) The Substance Abuse and Mental Health Corporation
316 shall establish a Criminal Justice Mental Health Policy Council,
317 which shall consist of the following members:

318 (a) The chairperson of the corporation.

319 (b) The Secretary of Children and Family Services.

320 (c) The Secretary of Corrections.

321 (d) The Secretary of Health Care Administration.

322 (e) The Secretary of Juvenile Justice.

323 (f) The State Courts Administrator.

324 (2) The purpose of the council is to align policy
325 initiatives in the criminal justice and mental health systems to
326 ensure the most effective use of resources and to coordinate the
327 development of legislative proposals and budget requests
328 relating to the shared needs of persons with mental illnesses,
329 substance abuse problems, and co-occurring mental health and
330 substance abuse problems who are in, or at risk of entering, the
331 criminal justice system. The council shall also serve as the
332 statewide grant review committee for the Public Safety, Mental
333 Health, and Substance Abuse Local Matching Grant Program.

334 (3) The council shall provide the department with a list

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335 of the applications that are approved to receive planning grants
336 and implementation or expansion grants. The department is
337 authorized to transfer funds to the county or counties that are
338 awarded grants.

339 (4) The council shall work with local grantees to develop
340 statewide strategies. The council shall coordinate its efforts
341 with the Public Safety, Mental Health, and Substance Abuse
342 Technical Assistance Center.

343 (5) Each member agency of the council shall designate an
344 agency liaison.

345 Section 4. Establishment of Public Safety, Mental Health,
346 and Substance Abuse Technical Assistance Center.--The
347 Legislature shall establish the Public Safety, Mental Health,
348 and Substance Abuse Technical Assistance Center at the Louis de
349 la Parte Florida Mental Health Institute at the University of
350 South Florida.

351 (1) Recipients of public safety, mental health, and
352 substance abuse local matching grants awarded under s. 394.6551,
353 Florida Statutes, shall receive technical assistance from the
354 center for preparation, development, and evaluation of planning
355 grants and implementation or expansion grants. The center shall:

356 (a) Provide technical assistance to counties that are
357 applying for a grant.

358 (b) Assess the impact of the proposed intervention on the
359 population of the county detention facility.

360 (c) Provide technical assistance to counties that are
361 awarded a grant.

362 (d) Monitor the impact of grant awards on the criminal

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363 justice system in the counties that receive the grants.

364 (e) Disseminate and share evidenced-based practices and
365 best practices among grantees.

366 (f) Act as a clearinghouse for information and resources
367 related to criminal justice, mental health, and substance abuse
368 services.

369 (2) The Florida Substance Abuse and Mental Health
370 Corporation and the Public Safety, Mental Health, and Substance
371 Abuse Technical Assistance Center shall jointly submit an annual
372 report concerning the grant program to the Governor, the
373 President of the Senate, and the Speaker of the House of
374 Representatives by January 1 of each year, beginning on January
375 1, 2009. The report must include:

376 (a) A detailed description of the progress made by each
377 grantee to meet the goals described in the application.

378 (b) The impact of grant-funded initiatives on meeting the
379 needs of persons with mental illnesses, substance use disorders,
380 or co-occurring mental health and substance use disorders who
381 are in, or at risk of entering, the criminal justice system,
382 thereby reducing the number of forensic commitments to state
383 mental health treatment facilities.

384 (c) A summary of the impact of the grant program on jail
385 and prison growth and expenditures.

386 (d) A summary of the impact of the grant program on the
387 availability and accessibility of effective community-based
388 mental health and substance abuse treatment services for people
389 with mental illnesses, substance use disorders, or co-occurring
390 mental health and substance use disorders who are in, or at risk

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391 of entering, the criminal justice system, thereby expanding
392 community diversion alternatives to incarceration and placement
393 in a state mental health treatment facility.

394 (e) A summary of the local match provided by the county or
395 consortium and the effect of the funding on furthering the goals
396 of the grant program.

397 Section 5. This act shall take effect upon becoming law.