

1 A bill to be entitled
2 An act relating to forensic mental health; creating the
3 Criminal Justice, Mental Health, and Substance Abuse
4 Reinvestment Grant Program within the Department of
5 Children and Family Services; providing for the purpose of
6 the grant program; requiring the Florida Substance Abuse
7 and Mental Health Corporation, Inc., to establish a
8 statewide grant review committee; providing for membership
9 on the review committee; authorizing counties to apply for
10 a planning grant or an implementation or expansion grant;
11 requiring each county applying for a grant to have a
12 planning council or committee; providing for membership on
13 the planning council or committee; requiring that all
14 records and meetings be open to the public; requiring the
15 corporation, in collaboration with others, to develop
16 criteria to be used in reviewing submitted applications
17 and selecting counties to be awarded a planning,
18 implementation, or expansion grant; requiring counties to
19 include certain specified information when submitting the
20 grant application; prohibiting a county from using grant
21 funds to supplant existing funding; creating the Criminal
22 Justice, Mental Health, and Substance Abuse Technical
23 Assistance Center; providing for certain functions to be
24 performed by the technical assistance center; requiring
25 the technical assistance center to submit an annual report
26 to the Governor, the President of the Senate, and the
27 Speaker of the House of Representatives by a specified
28 date; specifying the information to be included in the

29 annual report; limiting the administrative costs a county
 30 may charge to the grant funds; amending s. 394.655, F.S.;
 31 creating the Criminal Justice, Mental Health, and
 32 Substance Abuse Policy Council within the Florida
 33 Substance Abuse and Mental Health Corporation; providing
 34 for membership; providing for the purpose of the council;
 35 providing a contingent effective date.

36

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

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39 Section 1. Criminal Justice, Mental Health, and Substance
 40 Abuse Reinvestment Grant Program.--

41 (1) There is created within the Department of Children and
 42 Family Services the Criminal Justice, Mental Health, and
 43 Substance Abuse Reinvestment Grant Program. The purpose of the
 44 program is to provide funding to counties with which they can
 45 plan, implement, or expand initiatives that increase public
 46 safety, avert increased spending on criminal justice, and
 47 improve the accessibility and effectiveness of treatment
 48 services for adults and juveniles who have a mental illness,
 49 substance abuse disorder, or co-occurring mental health and
 50 substance abuse disorders and who are in, or at risk of
 51 entering, the criminal or juvenile justice systems.

52 (2) The Florida Substance Abuse and Mental Health
 53 Corporation, Inc., created in s. 394.655, Florida Statutes,
 54 shall establish a statewide grant review committee. The
 55 committee shall include:

56 (a) Five current members or appointees of the corporation;

57 (b) One representative of the Department of Children and
 58 Family Services;

59 (c) One representative of the Department of Corrections;

60 (d) One representative of the Department of Juvenile
 61 Justice;

62 (e) One representative of the Department of Elderly
 63 Affairs; and

64 (f) One representative of the Office of the State Courts
 65 Administrator.

66

67 To the extent possible, the members of the committee shall have
 68 expertise in grant writing, grant reviewing, and grant
 69 application scoring.

70 (3) (a) A county may apply for a 1-year planning grant or a
 71 3-year implementation or expansion grant. The purpose of the
 72 grants is to demonstrate that investment in treatment efforts
 73 related to mental illness, substance abuse disorders, or co-
 74 occurring mental health and substance abuse disorders results in
 75 a reduced demand on the resources of the judicial, corrections,
 76 juvenile detention, and health and social services systems.

77 (b) To be eligible to receive a 1-year planning grant or a
 78 3-year implementation or expansion grant, a county applicant
 79 must have a county planning council or committee that is in
 80 compliance with the membership requirements set forth in this
 81 section.

82 (4) The grant review committee shall notify the Department
 83 of Children and Family Services in writing of the names of the
 84 applicants who have been selected by the committee to receive a

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85 grant. Contingent upon the availability of funds and upon
86 notification by the review committee of those applicants
87 approved to receive planning, implementation, or expansion
88 grants, the Department of Children and Family Services may
89 transfer funds appropriated for the grant program to any county
90 awarded a grant.

91 Section 2. County planning councils or committees.--

92 (1) Each board of county commissioners shall designate the
93 county public safety coordinating council established under s.
94 951.26, Florida Statutes, or designate another criminal or
95 juvenile justice mental health and substance abuse council or
96 committee, as the planning council or committee. The public
97 safety coordinating council or other designated criminal or
98 juvenile justice mental health and substance abuse council or
99 committee, in coordination with the county offices of planning
100 and budget, shall make a formal recommendation to the board of
101 county commissioners regarding how the Criminal Justice, Mental
102 Health, and Substance Abuse Reinvestment Grant Program may best
103 be implemented within a community. The board of county
104 commissioners may assign any entity to prepare the application
105 on behalf of the county administration for submission to the
106 corporation for review. A county may join with one or more
107 counties to form a consortium and use a regional public safety
108 coordinating council or another county-designated regional
109 criminal or juvenile justice mental health and substance abuse
110 planning council or committee for the geographic area
111 represented by the member counties.

112 (2) (a) For the purposes of this section, the membership of

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- 113 a designated planning council or committee must include:
- 114 1. The state attorney, or an assistant state attorney
115 designated by the state attorney.
- 116 2. A public defender, or an assistant public defender
117 designated by the public defender.
- 118 3. A circuit judge designated by the chief judge of the
119 circuit.
- 120 4. A county court judge designated by the chief judge of
121 the circuit.
- 122 5. The chief correctional officer.
- 123 6. The sheriff, if the sheriff is the chief correctional
124 officer, or a person designated by the sheriff.
- 125 7. The police chief, or a person designated by the local
126 police chiefs association.
- 127 8. The state probation circuit administrator, or a person
128 designated by the state probation circuit administrator.
- 129 9. The local court administrator, or a person designated
130 by the local court administrator.
- 131 10. The chairperson of the board of county commissioners,
132 or another county commissioner designated by the chairperson,
133 or, if the planning council is a consortium of counties, a
134 county commissioner or designee from each member county.
- 135 11. The director of any county probation or pretrial
136 intervention program, if the county has such a program.
- 137 12. The director of a local substance abuse treatment
138 program, or a person designated by the director.
- 139 13. The director of a community mental health agency, or a
140 person designated by the director.

141 14. A representative of the substance abuse program office
142 and the mental health program office of the Department of
143 Children and Family Services, selected by the substance abuse
144 and mental health program supervisor of the district in which
145 the county is located.

146 15. A primary consumer of mental health services, selected
147 by the substance abuse and mental health program supervisor of
148 the district in which the primary consumer resides. If multiple
149 counties apply together, a primary consumer may be selected to
150 represent each county.

151 16. A primary consumer of substance abuse services,
152 selected by the substance abuse and mental health program
153 supervisor of the district in which the primary consumer
154 resides. If the planning council is a consortium of counties, a
155 primary consumer may be selected to represent each county.

156 17. A family member of a primary consumer of community-
157 based treatment services, selected by the abuse and mental
158 health program supervisor of the district in which the family
159 member resides.

160 18. A representative from an area homeless program or a
161 supportive housing program.

162 19. The director of the detention facility of the
163 Department of Juvenile Justice, or a person designated by the
164 director.

165 20. The chief probation officer of the Department of
166 Juvenile Justice, or an employee designated by the chief
167 probation officer.

168 (b) The chairperson of the board of county commissioners

169 or another county commissioner, if designated, shall serve as
 170 the chairperson of the planning council or committee until a
 171 chairperson is elected from the membership.

172 (c) All meetings of the planning council or committee, as
 173 well as its records, books, documents, and papers, shall be open
 174 and available to the public in accordance with ss. 119.07 and
 175 286.011, Florida Statutes.

176 (3) (a) If a public safety coordinating council established
 177 under s. 951.26, Florida Statutes, acts as the planning council,
 178 its membership must include all persons listed in paragraph
 179 (2) (a).

180 (b) A public safety coordinating council that is acting as
 181 the planning council must include an assessment of the
 182 availability of mental health programs in addition to the
 183 assessments required under s. 951.26(2), Florida Statutes.

184 Section 3. Criminal Justice, Mental Health, and Substance
 185 Abuse Reinvestment Grant Program requirements.--

186 (1) The Substance Abuse and Mental Health Corporation
 187 Statewide Grant Review Committee, in collaboration with the
 188 Department of Children and Family Services, the Department of
 189 Corrections, the Department of Juvenile Justice, the Department
 190 of Elderly Affairs, and the Office of the State Courts
 191 Administrator, shall establish criteria to be used by the
 192 corporation to review submitted applications and to select the
 193 county that will be awarded a 1-year planning grant or a 3-year
 194 implementation or expansion grant. A planning, implementation,
 195 or expansion grant may not be awarded unless the application of
 196 the county meets the established criteria.

197 (a) The application criteria for a 1-year planning grant
198 must include a requirement that the applicant county or counties
199 have a strategic plan to initiate systemic change to identify
200 and treat individuals who have a mental illness, substance abuse
201 disorder, or co-occurring mental health and substance abuse
202 disorders who are in, or at risk of entering, the criminal or
203 juvenile justice systems. The 1-year planning grant must be used
204 to develop effective collaboration efforts among participants in
205 affected governmental agencies, including the criminal,
206 juvenile, and civil justice systems, mental health and substance
207 abuse treatment service providers, transportation programs, and
208 housing assistance programs. The collaboration efforts shall be
209 the basis for developing a problem-solving model and strategic
210 plan for treating adults and juveniles who are in, or at risk of
211 entering, the criminal or juvenile justice system and doing so
212 at the earliest point of contact, taking into consideration
213 public safety. The planning grant shall include strategies to
214 divert individuals from judicial commitment to community-based
215 service programs offered by the Department of Children and
216 Family Services in accordance with ss. 916.13 and 916.17,
217 Florida Statutes.

218 (b) The application criteria for a 3-year implementation
219 or expansion grant shall require information from a county that
220 demonstrates its completion of a well-established collaboration
221 plan that includes public-private partnership models and the
222 application of evidence-based practices. The implementation or
223 expansion grants may support programs and diversion initiatives
224 that include, but need not be limited to:

- 225 1. Mental health courts;
- 226 2. Diversion programs;
- 227 3. Alternative prosecution and sentencing programs;
- 228 4. Crisis intervention teams;
- 229 5. Treatment accountability services;
- 230 6. Specialized training for criminal justice, juvenile
- 231 justice, and treatment services professionals;
- 232 7. Service delivery of collateral services such as
- 233 housing, transitional housing, and supported employment; and
- 234 8. Reentry services to create or expand mental health and
- 235 substance abuse services and supports for affected persons.

236 (c) Each county application must include the following
 237 information:

238 1. An analysis of the current population of the jail and
 239 juvenile detention center in the county, which includes:

240 a. The screening and assessment process that the county
 241 uses to identify an adult or juvenile who has a mental illness,
 242 substance abuse disorder, or co-occurring mental health and
 243 substance abuse disorders;

244 b. The percentage of each category of persons admitted to
 245 the jail and juvenile detention center that represents people
 246 who have a mental illness, substance abuse disorder, or co-
 247 occurring mental health and substance abuse disorders; and

248 c. An analysis of observed contributing factors that
 249 affect population trends in the county jail and juvenile
 250 detention center.

251 2. A description of the strategies the county intends to
 252 use to serve one or more clearly defined subsets of the

253 population of the jail and juvenile detention center who have a
254 mental illness or to serve those at risk of arrest and
255 incarceration. The proposed strategies may include identifying
256 the population designated to receive the new interventions, a
257 description of the services and supervision methods to be
258 applied to that population, and the goals and measurable
259 objectives of the new interventions. The interventions a county
260 may use with the target population may include, but are not
261 limited to:

262 a. Specialized responses by law enforcement agencies;

263 b. Centralized receiving facilities for individuals
264 evidencing behavioral difficulties;

265 c. Post-booking alternatives to incarceration;

266 d. New court programs, including pretrial services and
267 specialized dockets;

268 e. Specialized diversion programs;

269 f. Intensified transition services that are directed to
270 the designated populations while they are in jail or juvenile
271 detention to facilitate their transition to the community;

272 g. Specialized probation processes;

273 h. Day-reporting centers;

274 i. Linkages to community-based, evidence-based treatment
275 programs for adults and juveniles who have mental illness or
276 substance abuse disorders; and

277 j. Community services and programs designed to prevent
278 high-risk populations from becoming involved in the criminal or
279 juvenile justice system.

280 3. The projected effect the proposed initiatives will have

281 on the population and the budget of the jail and juvenile
282 detention center. The information must include:

283 a. The county's estimate of how the initiative will reduce
284 the expenditures associated with the incarceration of adults and
285 the detention of juveniles who have a mental illness;

286 b. The methodology that the county intends to use to
287 measure the defined outcomes and the corresponding savings or
288 averted costs;

289 c. The county's estimate of how the cost savings or
290 averted costs will sustain or expand the mental health and
291 substance abuse treatment services and supports needed in the
292 community; and

293 d. How the county's proposed initiative will reduce the
294 number of individuals judicially committed to a state mental
295 health treatment facility.

296 4. The proposed strategies that the county intends to use
297 to preserve and enhance its community mental health and
298 substance abuse system, which serves as the local behavioral
299 health safety net for low-income and uninsured individuals.

300 5. The proposed strategies that the county intends to use
301 to continue the implemented or expanded programs and initiatives
302 that have resulted from the grant funding.

303 (2) (a) As used in this subsection, the term "available
304 resources" includes in-kind contributions from participating
305 counties.

306 (b) A 1-year planning grant may not be awarded unless the
307 applicant county makes available resources in an amount equal to
308 the total amount of the grant. A planning grant may not be used

309 to supplant funding for existing programs. For fiscally
 310 constrained counties, the available resources may be at 50
 311 percent of the total amount of the grant.

312 (c) A 3-year implementation or expansion grant may not be
 313 awarded unless the applicant county or consortium of counties
 314 makes available resources equal to the total amount of the
 315 grant. For fiscally constrained counties, the available
 316 resources may be at 50 percent of the total amount of the grant.
 317 This match shall be used for expansion of services and may not
 318 supplant existing funds for services. An implementation or
 319 expansion grant must support the implementation of new services
 320 or the expansion of services and may not be used to supplant
 321 existing services.

322 (3) Using the criteria adopted by rule, the county
 323 designated or established criminal justice, juvenile justice,
 324 mental health, and substance abuse planning council or committee
 325 shall prepare the county or counties' application for the 1-year
 326 planning or 3-year implementation or expansion grant. The county
 327 shall submit the completed application to the statewide grant
 328 review committee.

329 Section 4. Criminal Justice, Mental Health, and Substance
 330 Abuse Technical Assistance Center.--

331 (1) There is created a Criminal Justice, Mental Health,
 332 and Substance Abuse Technical Assistance Center at the Louis de
 333 la Parte Florida Mental Health Institute at the University of
 334 South Florida, which shall:

335 (a) Provide technical assistance to counties in preparing
 336 a grant application.

337 (b) Assist an applicant county in projecting the effect of
338 the proposed intervention on the population of the county
339 detention facility.

340 (c) Assist an applicant county in monitoring the effect of
341 a grant award on the criminal justice system in the county.

342 (d) Disseminate and share evidence-based practices and
343 best practices among grantees.

344 (e) Act as a clearinghouse for information and resources
345 related to criminal justice, juvenile justice, mental health,
346 and substance abuse.

347 (f) Coordinate and organize the process of the state
348 interagency justice, mental health, and substance abuse work
349 group with the outcomes of the local grant projects for state
350 and local policy and budget developments and system planning.

351 (2) The Substance Abuse and Mental Health Corporation and
352 the Criminal Justice, Mental Health, and Substance Abuse
353 Technical Assistance Center shall submit an annual report to the
354 Governor, the President of the Senate, and the Speaker of the
355 House of Representatives by January 1 of each year, beginning on
356 January 1, 2009. The report must include:

357 (a) A detailed description of the progress made by each
358 grantee in meeting the goals described in the application;

359 (b) A description of the effect the grant-funded
360 initiatives have had on meeting the needs of adults and
361 juveniles who have a mental illness, substance abuse disorder,
362 or co-occurring mental health and substance abuse disorders,
363 thereby reducing the number of forensic commitments to state
364 mental health treatment facilities;

365 (c) A summary of the effect of the grant program on the
 366 growth and expenditures of the jail, juvenile detention center,
 367 and prison;

368 (d) A summary of the initiative's effect on the
 369 availability and accessibility of effective community-based
 370 mental health and substance abuse treatment services for adults
 371 and juveniles who have a mental illness, substance abuse
 372 disorder, or co-occurring mental health and substance abuse
 373 disorders. The summary must describe how the expanded community
 374 diversion alternatives have reduced incarceration and
 375 commitments to state mental health treatment facilities; and

376 (e) A summary of how the local matching funds provided by
 377 the county or consortium of counties leveraged additional
 378 funding to further the goals of the grant program.

379 Section 5. Administrative costs and number of grants
 380 awarded.--

381 (1) The administrative costs for each applicant county or
 382 consortium of counties may not exceed 10 percent of the total
 383 funding received for any grant.

384 (2) The number of grants awarded shall be based on funding
 385 appropriated for that purpose.

386 Section 6. Subsection (11) of section 394.655, Florida
 387 Statutes, is renumbered as subsection (12), and a new subsection
 388 (11) is added to that section, to read:

389 394.655 The Substance Abuse and Mental Health Corporation;
 390 powers and duties; composition; evaluation and reporting
 391 requirements.--

392 (11) (a) There is established a Criminal Justice, Mental

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393 Health, and Substance Abuse Policy Council within the Florida
394 Substance Abuse and Mental Health Corporation. The members of
395 the council are:

- 396 1. The chairperson of the corporation;
- 397 2. The Secretary of Children and Family Services;
- 398 3. The Secretary of Corrections;
- 399 4. The Secretary of Health Care Administration;
- 400 5. The Secretary of Juvenile Justice;
- 401 6. The Secretary of Elderly Affairs; and
- 402 7. The State Courts Administrator.

403 (b) The purpose of the council shall be to align policy
404 initiatives in the criminal justice, juvenile justice, and
405 mental health systems to ensure the most effective use of
406 resources and to coordinate the development of legislative
407 proposals and budget requests relating to the shared needs of
408 adults and juveniles who have a mental illness, substance abuse
409 disorder, or co-occurring mental health and substance abuse
410 disorders who are in, or at risk of entering, the criminal
411 justice system.

412 (c) The council shall work in conjunction with counties
413 that have been awarded a Criminal Justice, Mental Health, and
414 Substance Abuse Reinvestment grant to ensure that effective
415 strategies identified by those counties are disseminated
416 statewide and to establish a dialogue for purposes of policy and
417 budget development and system change and improvement. The
418 council shall coordinate its efforts with the Criminal Justice,
419 Mental Health, and Substance Abuse Technical Assistance Center.

420 (d) Each member agency of the council shall designate an

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421 agency liaison to assist in the work of the council.

422 Section 7. This act shall take effect July 1, 2007, only
423 if a specific appropriation to fund the provisions of the act is
424 made in the General Appropriations Act for fiscal year 2007-
425 2008.