

Bill No. SB 542

Barcode 340428

CHAMBER ACTION

Senate

House

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The Committee on Children, Families, and Elder Affairs
(Margolis) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Criminal Justice Mental Health Reinvestment
Grant Program.--

(1) There is created within the Department of Children
and Family Services the Criminal Justice Mental Health
Reinvestment Grant Program. The purpose of the program is to
provide funding to counties with which they can plan,
implement, or expand initiatives that increase public safety,
avert increased spending on criminal justice, and improve the
accessibility and effectiveness of treatment services for
residents who have a mental illness, substance use disorder,
or co-occurring mental health and substance use disorder and
who are in, or at risk of entering, the criminal justice
system.

(2) The Florida Substance Abuse and Mental Health

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1 Corporation created in s. 394.655, Florida Statutes, shall
2 create a statewide grant review subcommittee. The subcommittee
3 shall include:

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

6 (b) One representative of the Department of Children
7 and Family Services;

8 (c) One representative of the Department of
9 Corrections;

10 (d) One representative of the Department of Juvenile
11 Justice;

12 (e) One representative of the Department of Elderly
13 Affairs; and

14 (f) One representative of the State Courts
15 Administrator.

16
17 To the extent possible, the members of the subcommittee shall
18 have expertise in grant writing, grant reviewing, and grant
19 application scoring.

20 (3)(a) A county may apply for a 1-year planning grant
21 or a 3-year implementation grant. The purpose of the grant is
22 to demonstrate that investment in treatment efforts related to
23 mental illness, substance abuse disorders, or co-occurring
24 disorders results in reduced demand on the resources of the
25 judicial, corrections, or health and social services systems.

26 (b) To be eligible to receive a one-year planning
27 grant or a 3-year implementation grant, a county applicant
28 must have a county planning committee that is in compliance
29 with the membership requirements set forth in this section.

30 (4) The grant review subcommittee shall notify the
31 Department of Children and Family Services in writing of the

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1 applicants who have been selected by the subcommittee to
2 receive a grant. Contingent upon the availability of funds and
3 upon notification by the review committee of those applicants
4 approved to receive planning, implementation, or expansion
5 grants, the Department of Children and Family Services may
6 transfer funds appropriated for the grant program to any
7 county awarded a grant.

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

9 (1) Each board of county commissioners shall use its
10 public safety coordinating council established in s. 951.26,
11 Florida Statutes, another criminal justice committee or
12 council, or a mental health and substance abuse council or
13 committee designated or established by the board of county
14 commissioners as the planning council. A county may join with
15 one or more counties to form a consortium and use a regional
16 public safety coordinating council, another regional criminal
17 justice council or committee, or a mental health and substance
18 abuse planning council or committee for the geographic area
19 represented by the member counties.

20 (2)(a) For the purposes of this section, the
21 membership of an appropriate planning council or committee
22 must include:

23 1. The state attorney, or an assistant state attorney
24 designated by the state attorney.

25 2. The public defender, or an assistant public
26 defender designated by the public defender.

27 3. A circuit judge designated by the chief judge of
28 the circuit.

29 4. A county court judge designated by the chief judge
30 of the circuit.

31 5. The chief correctional officer.

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1 6. The sheriff, or a person designated by the sheriff
2 if the sheriff is not the chief correctional officer.

3 7. A police chief or a person designated by the local
4 police chief's association.

5 8. The state probation circuit administrator, or a
6 person designated by the state probation circuit
7 administrator.

8 9. The local court administrator or the court
9 administrator's designee.

10 10. The chairperson of the board of county
11 commissioners, or another county commissioner designated by
12 the chairperson. If the planning council is a consortium of
13 counties, then a county commissioner or designee from each
14 member county.

15 11. The director of any county probation or pretrial
16 intervention program, if the county has such a program.

17 12. The director of a local substance abuse treatment
18 program, or a person designated by the director.

19 13. The director of a community mental health agency,
20 or a person designated by the director.

21 14. A representative of the substance abuse and mental
22 health program office of the Department of Children and Family
23 Services, selected by the substance abuse and mental health
24 program supervisor of the district in which the county is
25 located.

26 15. A primary consumer of mental health services,
27 selected by the substance abuse and mental health program
28 supervisor of the district in which the primary consumer
29 resides. If multiple counties apply together, a primary
30 consumer may be selected to represent each county.

31 16. A primary consumer of substance abuse services,

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1 selected by the substance abuse and mental health program
 2 supervisor of the district in which the county is located. If
 3 the planning council is a consortium of counties, a primary
 4 consumer may be selected to represent each county.

5 17. A family member of a primary consumer of
 6 community-based treatment services, selected by the abuse and
 7 mental health program supervisor of the district in which the
 8 family member resides.

9 18. A representative from an area homeless program or
 10 a supportive housing program.

11 19. The director or designee of the detention facility
 12 of the Department of Juvenile Justice.

13 (b) The chairperson of the board of county
 14 commissioners or another county commissioner, if designated,
 15 shall serve as the chairperson of the council or committee
 16 until a chairperson is elected from the membership.

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

21 Section 3. Criminal Justice Mental Health Reinvestment
 22 Grant Program requirements.--

23 (1) The Substance Abuse and Mental Health Corporation
 24 Statewide Grant Review Committee, in collaboration with the
 25 Department of Children and Family Services, the Department of
 26 Corrections, the Department of Juvenile Justice, and the State
 27 Courts Administrator's office, shall establish criteria to be
 28 used by the corporation to review submitted applications and
 29 to select the county that will be awarded a 1-year planning
 30 grant or a 3-year implementation grant. A planning or
 31 implementation grant may not be awarded unless the application

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1 of the county meets the established criteria.

2 (a) The application criteria for a 1-year planning
3 grant must include a requirement that the applicant county or
4 counties have a strategic plan to initiate systemic change to
5 identify and treat individuals who have mental illnesses,
6 substance abuse disorders, or co-occurring mental health and
7 substance abuse disorders who are in, or at risk of entering,
8 the justice system. The 1-year planning grant must be used to
9 develop effective collaboration efforts among participants in
10 affected governmental agencies, including the criminal and
11 civil justice systems, mental health and substance abuse
12 treatment service providers, transportation programs, and
13 housing assistance programs. The collaboration efforts shall
14 be the basis for developing a problem-solving model and
15 strategic plan for treating persons who are in or at risk of
16 entering the criminal justice system and doing so at the
17 earliest point of contact, taking into consideration public
18 safety. The planning grant shall include strategies to divert
19 individuals from judicial commitment to community-based
20 service programs offered by the Department of Children and
21 Family Services, in accordance with ss. 916.13 and 916.17,
22 Florida Statutes.

23 (b) The application criteria for a 3-year
24 implementation grant shall require information from a county
25 that demonstrates its completion of a well-established
26 collaboration plan that includes public-private partnership
27 models and the application of evidence-based practices. The
28 implementation or expansion grants may support programs and
29 diversion initiatives that include, but need not be limited
30 to:

31 1. Mental health courts;

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- 1 2. Diversion programs;
- 2 3. Alternative prosecution and sentencing programs;
- 3 4. Crisis-intervention teams;
- 4 5. Treatment accountability services;
- 5 6. Specialized training for criminal justice and
- 6 treatment services professionals;
- 7 7. Service delivery of collateral services such as
- 8 housing, transitional housing, and supported employment; and
- 9 8. Reentry services to create or expand mental health
- 10 and substance abuse and support services for affected persons.

11 (c) Each county application must include the following
 12 information:

13 1. An analysis of the current jail population in the
 14 county, which includes:

15 a. The screening and assessment process that the
 16 county uses to identify a person who has a mental illness,
 17 substance abuse problem, or co-occurring disorder;

18 b. The percentage of each category of persons admitted
 19 to the jail which represents people who have a mental illness,
 20 substance abuse problem, or co-occurring disorder; and

21 c. An analysis of observed contributing factors that
 22 affect county jail population trends.

23 2. A description of the strategies the county intends
 24 to use to serve one or more clearly defined subsets of the
 25 jail population who have a mental illness or to serve those at
 26 risk of arrest and incarceration. The proposed strategies may
 27 include identifying the population designated to receive the
 28 new interventions, a description of the services and
 29 supervision methods to be applied to that population, and the
 30 goals and measurable objectives of the new interventions. The
 31 interventions a county may use with the target population may

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1 include, but are not limited to:

2 a. Specialized responses by law enforcement agencies;

3 b. Centralized receiving facilities for individuals

4 evidencing behavioral difficulties;

5 c. Post-booking alternatives to incarceration;

6 d. New court programs, including pretrial services and

7 specialized dockets;

8 e. Specialized diversion programs;

9 f. Intensified transition services that are directed

10 to the designated populations while they are in jail to

11 facilitate the person's transition to the community;

12 g. Specialized probation processes;

13 h. Day-reporting centers;

14 i. Linkages to community-based, evidence-based

15 treatment programs for people who have mental illness or

16 substance abuse problems; and

17 j. Community services and programs designed to prevent

18 criminal justice involvement of high-risk populations.

19 3. The projected effect the proposed initiatives will

20 have on the jail population and the jail's budget. The

21 information must include:

22 a. The county's estimate of how the initiative will

23 reduce the expenditures associated with the incarceration of

24 people who have a mental illness;

25 b. The methodology that the county intends to use to

26 measure the defined outcomes, and the corresponding savings or

27 averted costs;

28 c. The county's estimate of how the cost savings or

29 averted costs will sustain or expand the mental health and

30 substance abuse treatment services and supports needed in the

31 community; and

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1 d. How the county's proposed initiative will reduce
2 the number of individuals judicially committed to a state
3 mental health treatment facility.

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

8 5. The proposed strategies that the county intends to
9 use to continue the implemented or expanded programs and
10 initiatives that have resulted from the grant funding.

11 (2)(a) As used in this subsection, the term "available
12 resources" includes in-kind contributions from participating
13 counties.

14 (b) A 1-year planning grant may not be awarded unless
15 the applicant county makes available resources in an amount
16 equal to the total amount of the grant. A planning grant may
17 not be used to supplant funding for existing programs.

18 (c) A 3-year implementation or expansion grant may not
19 be awarded unless the applicant county or consortium of
20 counties makes available resources equal to the total amount
21 of the grant. This match shall be used for expansion of
22 services and may not supplant existing funds for services. An
23 implementation or expansion grant must support the
24 implementation of new services or the expansion of services
25 and may not be used to supplant existing services.

26 (3) Using the criteria adopted by rule, the county
27 designated or established criminal justice, mental health, and
28 substance abuse planning council or committee shall prepare
29 the county or counties' application for the 1-year planning or
30 3-year implementation or expansion grant. The county shall
31 submit the completed application to the corporation statewide

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1 grant review committee.

2 Section 4. Criminal Justice, Mental Health, and
3 Substance Abuse Technical Assistance Center.--

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

8 (a) Provide technical assistance to counties in
9 preparing a grant application.

10 (b) Assist an applicant county in projecting the
11 effect of the proposed intervention on the population of the
12 county detention facility.

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

16 (d) Disseminate and share evidence-based practices and
17 best practices among grantees.

18 (e) Act as a clearinghouse for information and
19 resources related to criminal justice, mental health, and
20 substance abuse.

21 (f) Coordinate and organize the process of the state
22 interagency justice, mental health, and substance abuse work
23 group with the outcomes of the local grant projects for state
24 and local policy and budget developments and system planning.

25 (2) The Substance Abuse and Mental Health Corporation
26 and the Criminal Justice, Mental Health, and Substance Abuse
27 Technical Assistance Center shall submit an annual report to
28 the Governor, the President of the Senate, and the Speaker of
29 the House of Representatives by January 1 of each year,
30 beginning on January 1, 2009. The report must include:

31 (a) A detailed description of the progress made by

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1 each grantee in meeting the goals described in the
2 application;

3 (b) A description of the effect the grant-funded
4 initiatives have had on meeting the needs of persons who have
5 mental illness, substance use disorders, or co-occurring
6 mental health and substance use disorders, therefore reducing
7 the number of forensic commitments to state mental health
8 treatment facilities;

9 (c) A summary of the effect of the grant program on
10 the jail and prison growth and expenditures;

11 (d) A summary of the initiative's effect on the
12 availability and accessibility of effective community-based
13 mental health and substance abuse treatment services for
14 people who have mental illnesses, substance use disorders, or
15 co-occurring mental health and substance use disorders. The
16 summary must describe how the expanded community diversion
17 alternatives have reduced incarceration and commitments to
18 state mental health treatment facilities; and

19 (e) A summary of how the local matching funds provided
20 by the county or consortium leveraged additional funding to
21 further the goals of the grant program.

22 Section 5. Administrative costs and number of grants
23 awarded.--

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

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

29 Section 6. Subsection (12) is added to section
30 394.655, Florida Statutes, to read:

31 394.655 The Substance Abuse and Mental Health

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1 Corporation; powers and duties; composition; evaluation and
2 reporting requirements.--

3 (12)(a) There is established a Criminal Justice Mental
4 Health Policy Council within the Florida Substance Abuse and
5 Mental Health Corporation. The members of the council are:

- 6 1. The chairperson of the corporation;
- 7 2. The Secretary of Children and Family Services;
- 8 3. The Secretary of Corrections;
- 9 4. The Secretary of Health Care Administration;
- 10 5. The Secretary of Juvenile Justice;
- 11 6. The Secretary of Elderly Affairs; and
- 12 7. The State Courts Administrator.

13 (b) The purpose of the council shall be to align
14 policy initiatives in the criminal justice and mental health
15 systems to ensure the most effective use of resources and to
16 coordinate the development of legislative proposals and budget
17 requests relating to the shared needs of persons who have
18 mental illnesses, substance abuse disorders, and co-occurring
19 disorders who are in, or at risk of entering, the criminal
20 justice system.

21 (c) The council shall work in conjunction with the
22 local grantees to ensure that effective strategies identified
23 by local grantees are disseminated statewide and to create a
24 feedback loop for purposes of policy and budget development
25 and system change and improvement. The council shall
26 coordinate its efforts with the Criminal Justice, Mental
27 Health, and Substance Abuse Technical Assistance Center.

28 (d) Each member agency of the council shall designate
29 an agency liaison to assist in the work of the policy council.

30 Section 7. This act shall take effect upon becoming a
31 law.

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 Delete everything before the enacting clause

4

5 and insert:

6 A bill to be entitled

7 An act relating to forensic mental health;

8 creating the Criminal Justice Mental Health

9 Reinvestment Grant Program within the

10 Department of Children and Family Services;

11 providing for the purpose of the grant program;

12 requiring the Substance Abuse and Mental Health

13 Corporation to establish a statewide justice

14 and mental health reinvestment grant review

15 committee; providing for membership on the

16 review committee; authorizing counties to apply

17 for a planning grant or an implementation

18 grant; requiring each county applying for a

19 grant to have a planning council committee;

20 providing for membership on the planning

21 council or committee; requiring that all

22 records and meetings be open to the public;

23 requiring the corporation, in collaboration

24 with others, to develop criteria to be used in

25 reviewing submitted applications and selecting

26 counties to be awarded a planning or

27 implementation grant; requiring counties to

28 include certain specified information when

29 submitting the grant application; prohibiting a

30 county from using grant funds to supplant

31 existing funding; creating the Criminal

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1 Justice, Mental Health, and Substance Abuse
2 Technical Assistance Center; providing for
3 certain functions to be performed by the
4 technical assistance center; requiring the
5 technical assistance center to submit an annual
6 report to the Governor, the President of the
7 Senate, and the Speaker of the House of
8 Representatives by a specified date; specifying
9 the information to be included in the annual
10 report; limiting the administrative costs a
11 county may charge to the grant funds; amending
12 s. 394.655, F.S.; creating the Criminal Justice
13 Mental Health Policy Council in the Florida
14 Substance Abuse and Mental Health Corporation;
15 providing for membership; providing for the
16 purpose of the council; providing an effective
17 date.

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