

Bill No. CS for SB 542

Barcode 841848

CHAMBER ACTION

Senate

House

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The Committee on Criminal Justice (Aronberg) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

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

(1) There is created within the Department of Children and Family Services the Criminal Justice, Mental Health, and Substance Abuse 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 adults and juveniles 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 or juvenile 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 grants  
22 are to demonstrate that investment in treatment efforts  
23 related to mental illness, substance abuse disorders, or  
24 co-occurring mental health and substance abuse disorders  
25 results in reduced demand on the resources of the judicial,  
26 corrections, juvenile detention, or health and social services  
27 systems.

28 (b) To be eligible to receive a 1-year planning grant  
29 or a 3-year implementation grant, a county applicant must have  
30 a county planning committee that is in compliance with the  
31 membership requirements set forth in this section.

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

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

11       (1) Each board of county commissioners shall use its  
12 public safety coordinating council established in s. 951.26,  
13 Florida Statutes, another criminal or juvenile justice mental  
14 health and substance abuse council or committee designated or  
15 established by the board of county commissioners as the  
16 planning council. The public safety coordinating council or  
17 other designated criminal or juvenile justice mental health  
18 and substance abuse council or committee, in coordination with  
19 the county offices of planning and budget, shall make a formal  
20 recommendation to the board of county commissioners regarding  
21 how the Criminal Justice, Mental Health, and Substance Abuse  
22 Reinvestment Grant Program may best be implemented within a  
23 community. The board of county commissioners may assign any  
24 entity to prepare the application on behalf of the county  
25 administration for submission to the corporation for review. A  
26 county may join with one or more counties to form a consortium  
27 and use a regional public safety coordinating council or  
28 another county-designated regional criminal or juvenile  
29 justice mental health and substance abuse planning council or  
30 committee for the geographic area represented by the member  
31 counties.

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1           (2)(a) For the purposes of this section, the  
2 membership of a designated planning council or committee must  
3 include:

4           1. The state attorney, or an assistant state attorney  
5 designated by the state attorney.

6           2. The public defender, or an assistant public  
7 defender designated by the public defender.

8           3. A circuit judge designated by the chief judge of  
9 the circuit.

10           4. A county court judge designated by the chief judge  
11 of the circuit.

12           5. The chief correctional officer.

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

15           7. A police chief or a person designated by the local  
16 police chief's association.

17           8. The state probation circuit administrator, or a  
18 person designated by the state probation circuit  
19 administrator.

20           9. The local court administrator or the court  
21 administrator's designee.

22           10. The chairperson of the board of county  
23 commissioners, or another county commissioner designated by  
24 the chairperson. If the planning council is a consortium of  
25 counties, then a county commissioner or designee from each  
26 member county.

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

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

31           13. The director of a community mental health agency,

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1 or a person designated by the director.

2 14. A representative of the substance abuse and mental  
3 health program office of the Department of Children and Family  
4 Services, selected by the substance abuse and mental health  
5 program supervisor of the district in which the county is  
6 located.

7 15. A primary consumer of mental health services,  
8 selected by the substance abuse and mental health program  
9 supervisor of the district in which the primary consumer  
10 resides. If multiple counties apply together, a primary  
11 consumer may be selected to represent each county.

12 16. A primary consumer of substance abuse services,  
13 selected by the substance abuse and mental health program  
14 supervisor of the district in which the county is located. If  
15 the planning council is a consortium of counties, a primary  
16 consumer may be selected to represent each county.

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

21 18. A representative from an area homeless program or  
22 a supportive housing program.

23 19. The director or designee of the detention facility  
24 of the Department of Juvenile Justice.

25 20. The chief probation officer of the Department of  
26 Juvenile Justice, or an employee designated by the chief  
27 probation officer.

28 (b) The chairperson of the board of county  
29 commissioners or another county commissioner, if designated,  
30 shall serve as the chairperson of the council or committee  
31 until a chairperson is elected from the membership.

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

5       (3)(a) If a public safety coordinating council  
 6 established in s. 951.26, Florida Statutes, is used as the  
 7 planning council, its membership must include all persons  
 8 listed in subparagraphs (2)(a)1-20.

9       (b) A public safety coordinating council that is  
 10 acting as the planning council must include an assessment of  
 11 the availability of mental health programs in addition to the  
 12 assessments required in s. 951.26(2), Florida Statutes.

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

15       (1) The Substance Abuse and Mental Health Corporation  
 16 Statewide Grant Review Committee, in collaboration with the  
 17 Department of Children and Family Services, the Department of  
 18 Corrections, the Department of Juvenile Justice, the  
 19 Department of Elderly Affairs, and the State Courts  
 20 Administrator's office, shall establish criteria to be used by  
 21 the corporation to review submitted applications and to select  
 22 the county that will be awarded a 1-year planning grant or a  
 23 3-year implementation grant. A planning or implementation  
 24 grant may not be awarded unless the application of the county  
 25 meets the established criteria.

26       (a) The application criteria for a 1-year planning  
 27 grant must include a requirement that the applicant county or  
 28 counties have a strategic plan to initiate systemic change to  
 29 identify and treat individuals who have mental illnesses,  
 30 substance abuse disorders, or co-occurring mental health and  
 31 substance abuse disorders who are in, or at risk of entering,

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1 the justice system. The 1-year planning grant must be used to  
 2 develop effective collaboration efforts among participants in  
 3 affected governmental agencies, including the criminal,  
 4 juvenile, and civil justice systems, mental health and  
 5 substance abuse treatment service providers, transportation  
 6 programs, and housing assistance programs. The collaboration  
 7 efforts shall be the basis for developing a problem-solving  
 8 model and strategic plan for treating adults and juveniles who  
 9 are in or at risk of entering the criminal or juvenile justice  
 10 system and doing so at the earliest point of contact, taking  
 11 into consideration public safety. The planning grant shall  
 12 include strategies to divert individuals from judicial  
 13 commitment to community-based service programs offered by the  
 14 Department of Children and Family Services, in accordance with  
 15 ss. 916.13 and 916.17, Florida Statutes.

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

- 24 1. Mental health courts;
- 25 2. Diversion programs;
- 26 3. Alternative prosecution and sentencing programs;
- 27 4. Crisis-intervention teams;
- 28 5. Treatment accountability services;
- 29 6. Specialized training for criminal justice, juvenile  
 30 justice, and treatment services professionals;
- 31 7. Service delivery of collateral services such as

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1 housing, transitional housing, and supported employment; and  
2 8. Reentry services to create or expand mental health  
3 and substance abuse and support services for affected persons.

4 (c) Each county application must include the following  
5 information:

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

8 a. The screening and assessment process that the  
9 county uses to identify an adult or juvenile who has a mental  
10 illness, substance abuse problem, or co-occurring disorder;

11 b. The percentage of each category of persons admitted  
12 to the jail and juvenile detention center which represents  
13 people who have a mental illness, substance abuse problem, or  
14 co-occurring disorder; and

15 c. An analysis of observed contributing factors that  
16 affect population trends in the county jail and juvenile  
17 detention center.

18 2. A description of the strategies the county intends  
19 to use to serve one or more clearly defined subsets of the  
20 population of the jail and juvenile detention center who have  
21 a mental illness or to serve those at risk of arrest and  
22 incarceration. The proposed strategies may include identifying  
23 the population designated to receive the new interventions, a  
24 description of the services and supervision methods to be  
25 applied to that population, and the goals and measurable  
26 objectives of the new interventions. The interventions a  
27 county may use with the target population may include, but are  
28 not limited to:

29 a. Specialized responses by law enforcement agencies;

30 b. Centralized receiving facilities for individuals  
31 evidencing behavioral difficulties;



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- 1           c. Post-booking alternatives to incarceration;
- 2           d. New court programs, including pretrial services and
- 3 specialized dockets;
- 4           e. Specialized diversion programs;
- 5           f. Intensified transition services that are directed
- 6 to the designated populations while they are in jail or
- 7 juvenile detention to facilitate the person's transition to
- 8 the community;
- 9           g. Specialized probation processes;
- 10          h. Day-reporting centers;
- 11          i. Linkages to community-based, evidence-based
- 12 treatment programs for adults and juveniles who have mental
- 13 illness or substance abuse problems; and
- 14          j. Community services and programs designed to prevent
- 15 criminal justice or juvenile justice involvement of high-risk
- 16 populations.

17           3. The projected effect the proposed initiatives will  
 18 have on the population of the jail and juvenile detention  
 19 center and the budget of the jail and juvenile detention  
 20 center. The information must include:

- 21           a. The county's estimate of how the initiative will
- 22 reduce the expenditures associated with the incarceration of
- 23 adults and the detention of juveniles who have a mental
- 24 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. For  
18 fiscally constrained counties, the available resources may be  
19 at 50 percent of the total amount of the grant.

20 (c) A 3-year implementation or expansion grant may not  
21 be awarded unless the applicant county or consortium of  
22 counties makes available resources equal to the total amount  
23 of the grant. For fiscally constrained counties, the available  
24 resources may be at 50 percent of the total amount of the  
25 grant. This match shall be used for expansion of services and  
26 may not supplant existing funds for services. An  
27 implementation or expansion grant must support the  
28 implementation of new services or the expansion of services  
29 and may not be used to supplant existing services.

30 (3) Using the criteria adopted by rule, the county  
31 designated or established criminal justice, juvenile justice,

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1 mental health, and substance abuse planning council or  
 2 committee shall prepare the county or counties' application  
 3 for the 1-year planning or 3-year implementation or expansion  
 4 grant. The county shall submit the completed application to  
 5 the corporation statewide grant review committee.

6 Section 4. Criminal Justice, Mental Health, and  
 7 Substance Abuse Technical Assistance Center.--

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

12 (a) Provide technical assistance to counties in  
 13 preparing a grant application.

14 (b) Assist an applicant county in projecting the  
 15 effect of the proposed intervention on the population of the  
 16 county detention facility.

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

20 (d) Disseminate and share evidence-based practices and  
 21 best practices among grantees.

22 (e) Act as a clearinghouse for information and  
 23 resources related to criminal justice, juvenile justice,  
 24 mental health, and substance abuse.

25 (f) Coordinate and organize the process of the state  
 26 interagency justice, mental health, and substance abuse work  
 27 group with the outcomes of the local grant projects for state  
 28 and local policy and budget developments and system planning.

29 (2) The Substance Abuse and Mental Health Corporation  
 30 and the Criminal Justice, Mental Health, and Substance Abuse  
 31 Technical Assistance Center shall submit an annual report to

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1 the Governor, the President of the Senate, and the Speaker of  
2 the House of Representatives by January 1 of each year,  
3 beginning on January 1, 2009. The report must include:

4 (a) A detailed description of the progress made by  
5 each grantee in meeting the goals described in the  
6 application;

7 (b) A description of the effect the grant-funded  
8 initiatives have had on meeting the needs of adults and  
9 juveniles who have mental illness, substance use disorders, or  
10 co-occurring mental health and substance use disorders,  
11 therefore reducing the number of forensic commitments to state  
12 mental health treatment facilities;

13 (c) A summary of the effect of the grant program on  
14 the growth and expenditures of the jail, juvenile detention  
15 center, and prison;

16 (d) A summary of the initiative's effect on the  
17 availability and accessibility of effective community-based  
18 mental health and substance abuse treatment services for  
19 adults and juveniles who have mental illnesses, substance use  
20 disorders, or co-occurring mental health and substance use  
21 disorders. The summary must describe how the expanded  
22 community diversion alternatives have reduced incarceration  
23 and commitments to state mental health treatment facilities;  
24 and

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

28 Section 5. Administrative costs and number of grants  
29 awarded.--

30 (1) The administrative costs for each applicant county  
31 or consortium of counties may not exceed 10 percent of the

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1 total funding received for any grant.

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

4 Section 6. Subsection (12) is added to section  
5 394.655, Florida Statutes, to read:

6 394.655 The Substance Abuse and Mental Health  
7 Corporation; powers and duties; composition; evaluation and  
8 reporting requirements.--

9 (12)(a) There is established a Criminal Justice,  
10 Mental Health, and Substance Abuse Policy Council within the  
11 Florida Substance Abuse and Mental Health Corporation. The  
12 members of the council are:

- 13 1. The chairperson of the corporation;
- 14 2. The Secretary of Children and Family Services;
- 15 3. The Secretary of Corrections;
- 16 4. The Secretary of Health Care Administration;
- 17 5. The Secretary of Juvenile Justice;
- 18 6. The Secretary of Elderly Affairs; and
- 19 7. The State Courts Administrator.

20 (b) The purpose of the council shall be to align  
21 policy initiatives in the criminal justice, juvenile justice,  
22 and mental health systems to ensure the most effective use of  
23 resources and to coordinate the development of legislative  
24 proposals and budget requests relating to the shared needs of  
25 adults and juveniles who have mental illnesses, substance  
26 abuse disorders, and co-occurring disorders who are in, or at  
27 risk of entering, the criminal justice system.

28 (c) The council shall work in conjunction with the  
29 local grantees to ensure that effective strategies identified  
30 by local grantees are disseminated statewide and to create a  
31 feedback loop for purposes of policy and budget development

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1 and system change and improvement. The council shall  
2 coordinate its efforts with the Criminal Justice, Mental  
3 Health, and Substance Abuse Technical Assistance Center.

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

6 Section 7. Implementation of the Criminal Justice,  
7 Mental Health, and Substance Abuse Reinvestment Grant Program  
8 created in this act is subject to a specific appropriation by  
9 the Legislature in the General Appropriations Act.

10 Section 8. This act shall take effect July 1, 2007.

11  
12

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

14 And the title is amended as follows:

15 Delete everything before the enacting clause

16  
17 and insert:

18 A bill to be entitled  
19 An act relating to forensic mental health;  
20 creating the Criminal Justice, Mental Health,  
21 and Substance Abuse Reinvestment Grant Program  
22 within the Department of Children and Family  
23 Services; providing for the purpose of the  
24 grant program; requiring the Substance Abuse  
25 and Mental Health Corporation to establish a  
26 statewide justice and mental health  
27 reinvestment grant review committee; providing  
28 for membership on the review committee;  
29 authorizing counties to apply for a planning  
30 grant or an implementation grant; requiring  
31 each county applying for a grant to have a

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1 planning council committee; providing for  
2 membership on the planning council or  
3 committee; requiring that all records and  
4 meetings be open to the public; requiring the  
5 corporation, in collaboration with others, to  
6 develop criteria to be used in reviewing  
7 submitted applications and selecting counties  
8 to be awarded a planning or implementation  
9 grant; requiring counties to include certain  
10 specified information when submitting the grant  
11 application; prohibiting a county from using  
12 grant funds to supplant existing funding;  
13 creating the Criminal Justice, Mental Health,  
14 and Substance Abuse Technical Assistance  
15 Center; providing for certain functions to be  
16 performed by the technical assistance center;  
17 requiring the technical assistance center to  
18 submit an annual report to the Governor, the  
19 President of the Senate, and the Speaker of the  
20 House of Representatives by a specified date;  
21 specifying the information to be included in  
22 the annual report; limiting the administrative  
23 costs a county may charge to the grant funds;  
24 amending s. 394.655, F.S.; creating the  
25 Criminal Justice, Mental Health, and Substance  
26 Abuse Policy Council in the Florida Substance  
27 Abuse and Mental Health Corporation; providing  
28 for membership; providing for the purpose of  
29 the council; providing that implementation of  
30 the grant program is subject to a specific  
31 appropriation; providing an effective date.