

By the Committees on Criminal Justice; Children, Families, and Elder Affairs; and Senators Margolis, Rich, Bennett, King, Hill, Lynn and Wilson

591-2359-07

1 A bill to be entitled

2 An act relating to forensic mental health;

3 creating the Criminal Justice, Mental Health,

4 and Substance Abuse Reinvestment Grant Program

5 within the Department of Children and Family

6 Services; providing for the purpose of the

7 grant program; requiring the Substance Abuse

8 and Mental Health Corporation to establish a

9 statewide justice and mental health

10 reinvestment grant review committee; providing

11 for membership on the review committee;

12 authorizing counties to apply for a planning

13 grant or an implementation grant; requiring

14 each county applying for a grant to have a

15 planning council committee; providing for

16 membership on the planning council or

17 committee; requiring that all records and

18 meetings be open to the public; requiring the

19 corporation, in collaboration with others, to

20 develop criteria to be used in reviewing

21 submitted applications and selecting counties

22 to be awarded a planning or implementation

23 grant; requiring counties to include certain

24 specified information when submitting the grant

25 application; prohibiting a county from using

26 grant funds to supplant existing funding;

27 creating the Criminal Justice, Mental Health,

28 and Substance Abuse Technical Assistance

29 Center; providing for certain functions to be

30 performed by the technical assistance center;

31 requiring the technical assistance center to

1 submit an annual report to the Governor, the
2 President of the Senate, and the Speaker of the
3 House of Representatives by a specified date;
4 specifying the information to be included in
5 the annual report; limiting the administrative
6 costs a county may charge to the grant funds;
7 amending s. 394.655, F.S.; creating the
8 Criminal Justice, Mental Health, and Substance
9 Abuse Policy Council in the Florida Substance
10 Abuse and Mental Health Corporation; providing
11 for membership; providing for the purpose of
12 the council; providing that implementation of
13 the grant program is subject to a specific
14 appropriation; providing an effective date.

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

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

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

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1 (2) The Florida Substance Abuse and Mental Health
2 Corporation created in s. 394.655, Florida Statutes, shall
3 create a statewide grant review subcommittee. The subcommittee
4 shall include:

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

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

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

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

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

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

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

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

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

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

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

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

1 committee for the geographic area represented by the member
2 counties.

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

6 1. The state attorney, or an assistant state attorney
7 designated by the state attorney.

8 2. The public defender, or an assistant public
9 defender designated by the public defender.

10 3. A circuit judge designated by the chief judge of
11 the circuit.

12 4. A county court judge designated by the chief judge
13 of the circuit.

14 5. The chief correctional officer.

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

17 7. A police chief or a person designated by the local
18 police chief's association.

19 8. The state probation circuit administrator, or a
20 person designated by the state probation circuit
21 administrator.

22 9. The local court administrator or the court
23 administrator's designee.

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

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

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

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

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

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

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

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

24 18. A representative from an area homeless program or
25 a supportive housing program.

26 19. The director or designee of the detention facility
27 of the Department of Juvenile Justice.

28 20. The chief probation officer of the Department of
29 Juvenile Justice, or an employee designated by the chief
30 probation officer.

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1 (b) The chairperson of the board of county
2 commissioners or another county commissioner, if designated,
3 shall serve as the chairperson of the council or committee
4 until a chairperson is elected from the membership.

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

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

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

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

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

30 (a) The application criteria for a 1-year planning
31 grant must include a requirement that the applicant county or

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

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

- 28 1. Mental health courts;
- 29 2. Diversion programs;
- 30 3. Alternative prosecution and sentencing programs;
- 31 4. Crisis-intervention teams;

- 1 5. Treatment accountability services;
2 6. Specialized training for criminal justice, juvenile
3 justice, and treatment services professionals;
4 7. Service delivery of collateral services such as
5 housing, transitional housing, and supported employment; and
6 8. Reentry services to create or expand mental health
7 and substance abuse and support services for affected persons.
8 (c) Each county application must include the following
9 information:
10 1. An analysis of the current population of the jail
11 and juvenile detention center in the county, which includes:
12 a. The screening and assessment process that the
13 county uses to identify an adult or juvenile who has a mental
14 illness, substance abuse problem, or co-occurring disorder;
15 b. The percentage of each category of persons admitted
16 to the jail and juvenile detention center which represents
17 people who have a mental illness, substance abuse problem, or
18 co-occurring disorder; and
19 c. An analysis of observed contributing factors that
20 affect population trends in the county jail and juvenile
21 detention center.
22 2. A description of the strategies the county intends
23 to use to serve one or more clearly defined subsets of the
24 population of the jail and juvenile detention center who have
25 a mental illness or to serve those at risk of arrest and
26 incarceration. The proposed strategies may include identifying
27 the population designated to receive the new interventions, a
28 description of the services and supervision methods to be
29 applied to that population, and the goals and measurable
30 objectives of the new interventions. The interventions a
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1 county may use with the target population may include, but are
2 not limited to:
3 a. Specialized responses by law enforcement agencies;
4 b. Centralized receiving facilities for individuals
5 evidencing behavioral difficulties;
6 c. Post-booking alternatives to incarceration;
7 d. New court programs, including pretrial services and
8 specialized dockets;
9 e. Specialized diversion programs;
10 f. Intensified transition services that are directed
11 to the designated populations while they are in jail or
12 juvenile detention to facilitate the person's transition to
13 the community;
14 g. Specialized probation processes;
15 h. Day-reporting centers;
16 i. Linkages to community-based, evidence-based
17 treatment programs for adults and juveniles who have mental
18 illness or substance abuse problems; and
19 j. Community services and programs designed to prevent
20 criminal justice or juvenile justice involvement of high-risk
21 populations.
22 3. The projected effect the proposed initiatives will
23 have on the population of the jail and juvenile detention
24 center and the budget of the jail and juvenile detention
25 center. The information must include:
26 a. The county's estimate of how the initiative will
27 reduce the expenditures associated with the incarceration of
28 adults and the detention of juveniles who have a mental
29 illness;
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1 b. The methodology that the county intends to use to
2 measure the defined outcomes, and the corresponding savings or
3 averted costs;

4 c. The county's estimate of how the cost savings or
5 averted costs will sustain or expand the mental health and
6 substance abuse treatment services and supports needed in the
7 community; and

8 d. How the county's proposed initiative will reduce
9 the number of individuals judicially committed to a state
10 mental health treatment facility.

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

15 5. The proposed strategies that the county intends to
16 use to continue the implemented or expanded programs and
17 initiatives that have resulted from the grant funding.

18 (2)(a) As used in this subsection, the term "available
19 resources" includes in-kind contributions from participating
20 counties.

21 (b) A 1-year planning grant may not be awarded unless
22 the applicant county makes available resources in an amount
23 equal to the total amount of the grant. A planning grant may
24 not be used to supplant funding for existing programs. For
25 fiscally constrained counties, the available resources may be
26 at 50 percent of the total amount of the grant.

27 (c) A 3-year implementation or expansion grant may not
28 be awarded unless the applicant county or consortium of
29 counties makes available resources equal to the total amount
30 of the grant. For fiscally constrained counties, the available
31 resources may be at 50 percent of the total amount of the

1 grant. This match shall be used for expansion of services and
2 may not supplant existing funds for services. An
3 implementation or expansion grant must support the
4 implementation of new services or the expansion of services
5 and may not be used to supplant existing services.

6 (3) Using the criteria adopted by rule, the county
7 designated or established criminal justice, juvenile justice,
8 mental health, and substance abuse planning council or
9 committee shall prepare the county or counties' application
10 for the 1-year planning or 3-year implementation or expansion
11 grant. The county shall submit the completed application to
12 the corporation statewide grant review committee.

13 Section 4. Criminal Justice, Mental Health, and
14 Substance Abuse Technical Assistance Center.--

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

19 (a) Provide technical assistance to counties in
20 preparing a grant application.

21 (b) Assist an applicant county in projecting the
22 effect of the proposed intervention on the population of the
23 county detention facility.

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

27 (d) Disseminate and share evidence-based practices and
28 best practices among grantees.

29 (e) Act as a clearinghouse for information and
30 resources related to criminal justice, juvenile justice,
31 mental health, and substance abuse.

1 (f) Coordinate and organize the process of the state
2 interagency justice, mental health, and substance abuse work
3 group with the outcomes of the local grant projects for state
4 and local policy and budget developments and system planning.

5 (2) The Substance Abuse and Mental Health Corporation
6 and the Criminal Justice, Mental Health, and Substance Abuse
7 Technical Assistance Center shall submit an annual report to
8 the Governor, the President of the Senate, and the Speaker of
9 the House of Representatives by January 1 of each year,
10 beginning on January 1, 2009. The report must include:

11 (a) A detailed description of the progress made by
12 each grantee in meeting the goals described in the
13 application;

14 (b) A description of the effect the grant-funded
15 initiatives have had on meeting the needs of adults and
16 juveniles who have mental illness, substance use disorders, or
17 co-occurring mental health and substance use disorders,
18 therefore reducing the number of forensic commitments to state
19 mental health treatment facilities;

20 (c) A summary of the effect of the grant program on
21 the growth and expenditures of the jail, juvenile detention
22 center, and prison;

23 (d) A summary of the initiative's effect on the
24 availability and accessibility of effective community-based
25 mental health and substance abuse treatment services for
26 adults and juveniles who have mental illnesses, substance use
27 disorders, or co-occurring mental health and substance use
28 disorders. The summary must describe how the expanded
29 community diversion alternatives have reduced incarceration
30 and commitments to state mental health treatment facilities;
31 and

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

4 Section 5. Administrative costs and number of grants
5 awarded.--

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

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

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

13 394.655 The Substance Abuse and Mental Health
14 Corporation; powers and duties; composition; evaluation and
15 reporting requirements.--

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

- 20 1. The chairperson of the corporation;
- 21 2. The Secretary of Children and Family Services;
- 22 3. The Secretary of Corrections;
- 23 4. The Secretary of Health Care Administration;
- 24 5. The Secretary of Juvenile Justice;
- 25 6. The Secretary of Elderly Affairs; and
- 26 7. The State Courts Administrator.

27 (b) The purpose of the council shall be to align
28 policy initiatives in the criminal justice, juvenile justice,
29 and mental health systems to ensure the most effective use of
30 resources and to coordinate the development of legislative
31 proposals and budget requests relating to the shared needs of

1 adults and juveniles who have mental illnesses, substance
2 abuse disorders, and co-occurring disorders who are in, or at
3 risk of entering, the criminal justice system.

4 (c) The council shall work in conjunction with the
5 local grantees to ensure that effective strategies identified
6 by local grantees are disseminated statewide and to create a
7 feedback loop for purposes of policy and budget development
8 and system change and improvement. The council shall
9 coordinate its efforts with the Criminal Justice, Mental
10 Health, and Substance Abuse Technical Assistance Center.

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

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

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

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19 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
20 COMMITTEE SUBSTITUTE FOR
21 CS/SB 542

- 22 - Adds "substance abuse" to the program name.
23 - Adds references to juveniles and juvenile justice
24 throughout the bill.
25 - Adds DJJ's chief probation officer or designee to the
26 required membership of the planning council or committee.
27 - Requires a public safety coordinating council that is
28 acting as the planning council to expand its membership
29 to include all members required in the bill.
30 - Reduces the required county match of available funds from
31 100 percent to 50 percent for fiscally-constrained
counties.