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CHAMBER ACTION

Senate

House

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Floor: 1/AD/2R
4/28/2008 12:24 PM

Floor: AA
5/1/2008 10:17 PM

1 Senator Storms moved the following amendment:

2 Senate Amendment (with title amendment)

3 Delete everything after the enacting clause

4 and insert:

5 Section 1. Subsection (1) of section 394.4572, Florida
6 Statutes, is amended to read:

7 394.4572 Screening of mental health personnel.--

8 (1)(a) The department and the Agency for Health Care
9 Administration shall require employment screening for mental
10 health personnel using the standards for level 2 screening set
11 forth in chapter 435. "Mental health personnel" includes all
12 program directors, professional clinicians, staff members, and
13 volunteers working in public or private mental health programs
14 and facilities who have direct contact with ~~unmarried~~ patients
15 ~~under the age of 18 years~~. For purposes of this chapter,
16 employment screening of mental health personnel shall also
17

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18 include, but is not limited to, employment screening as provided
19 under chapter 435.

20 (b) Students in the health care professions who are
21 interning in a mental health facility licensed under chapter 395,
22 where the primary purpose of the facility is not the treatment of
23 minors, are exempt from the fingerprinting and screening
24 requirements, provided they are under direct supervision in the
25 actual physical presence of a licensed health care professional.

26 ~~(c) Mental health personnel working in a facility licensed~~
27 ~~under chapter 395 who have less than 15 hours per week of direct~~
28 ~~contact with patients or who are health care professionals~~
29 ~~licensed by the Agency for Health Care Administration or a board~~
30 ~~thereunder are exempt from the fingerprinting and screening~~
31 ~~requirements, except for persons working in mental health~~
32 ~~facilities where the primary purpose of the facility is the~~
33 ~~treatment of minors.~~

34 ~~(c)-(d)~~ A volunteer who assists on an intermittent basis for
35 less than 40 hours per month is exempt from the fingerprinting
36 and screening requirements, provided the volunteer is under
37 direct and constant supervision by persons who meet the screening
38 requirements of paragraph (a).

39 Section 2. Subsection (4) is added to section 394.462,
40 Florida Statutes, to read:

41 394.462 Transportation.--

42 (4) HIV EXPOSURE.--

43 (a) In any case in which a law enforcement officer;
44 employee of an emergency medical transport service, private
45 transport company contracting with the county, or mobile crisis
46 response service; or other designated agent of the county,
47 department, or the court comes into contact with or is exposed to



48 body fluids, to which universal precautions apply as outlined in
49 s. 381.004(2)(c), of a person being taken into custody for the
50 purpose of delivering him or her to a receiving or treatment
51 facility, hospital, community mental health center, or other
52 facility authorized to provide mental health evaluations or
53 services pursuant to this chapter, the law enforcement officer,
54 employee, or agent may seek a court order directing that the
55 person who is the source of the significant exposure undergo HIV
56 testing. A sworn statement by the law enforcement officer,
57 employee, or agent that a significant exposure has occurred
58 constitutes probable cause for the issuance of the order by the
59 court. The order shall direct the person to undergo HIV testing
60 within 48 hours after the issuance of the court order.

61 1. The testing shall be performed in accordance with s.
62 381.004.

63 2. The results of the test shall be disclosed to the law
64 enforcement officer, employee, or agent no later than 2 weeks
65 after the receipt of the test results.

66 3. The results of the test are not admissible in any
67 subsequent court proceeding involving the person being
68 transported.

69 (b) A law enforcement officer; employee of an emergency
70 medical transport service, private transport company contracting
71 with the county, or mobile crisis response service; or other
72 designated agent of the county, department, or the court who
73 comes into contact with or is exposed to body fluids, to which
74 universal precautions apply as outlined in s. 381.004(2)(c), of a
75 person being transported pursuant to this section and who
76 requests HIV testing may obtain such test from his or her
77 respective county health department at no cost.

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78 Section 3. Subsection (21) of section 394.67, Florida
79 Statutes, is amended to read:

80 394.67 Definitions.--As used in this part, the term:

81 (21) "Residential treatment center for children and
82 adolescents" means a 24-hour residential program, including a
83 therapeutic group home, which provides mental health services to
84 emotionally disturbed children or adolescents as defined in s.
85 394.492(5) or (6) and which is a private for-profit or not-for-
86 profit corporation licensed by the Agency for Health Care
87 Administration ~~under contract with the department~~ which offers a
88 variety of treatment modalities in a more restrictive setting.

89 Section 4. Section 394.674, Florida Statutes, is amended to
90 read:

91 394.674 ~~Clinical~~ Eligibility for publicly funded substance
92 abuse and mental health services; fee collection requirements.--

93 (1) To be eligible to receive substance abuse and mental
94 health services funded by the department, a person must be a
95 member of at least one of the department's priority populations
96 ~~target groups~~ approved by the Legislature, ~~pursuant to s.~~
97 ~~216.0166~~. The priority populations include:

98 (a) For adult mental health services:

99 1. Adults who have severe and persistent mental illness, as
100 designated by the department using criteria which include
101 severity of diagnosis, duration of the mental illness, ability to
102 independently perform activities of daily living, and receipt of
103 disability income for a psychiatric condition. Within this group
104 priority populations include:

105 a. Older adults in crisis.

106 b. Older adults who are at risk of being placed in a more
107 restrictive environment because of their mental illness.



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108 c. Individuals deemed incompetent to proceed or not guilty
109 by reason of insanity under chapter 916.

110 d. Other individuals with criminal justice involvement.

111 e. Individuals who have co-occurring mental illness and
112 substance use disorders.

113 2. Adults experiencing an acute mental or emotional crisis
114 as defined in s. 394.67(17).

115 (b) For children's mental health services:

116 1. Children who have a serious emotional disturbance.

117 2. Children who have an emotional disturbance.

118 3. Children who are at risk of emotional disturbance.

119 (c) For substance abuse services:

120 1. Adults who have substance use disorders and have a
121 history of intravenous drug use.

122 2. Persons dually diagnosed as having co-occurring
123 substance abuse and mental health disorders.

124 3. Parents putting children at risk due to a substance
125 abuse disorder.

126 4. Persons who have a substance abuse disorder and have
127 been ordered by the court to receive treatment.

128 5. Children at risk for initiating drug use.

129 6. Children under state supervision.

130 7. Children who have a substance abuse disorder but who are
131 not under the supervision of a court or in the custody of a state
132 agency.

133 8. Persons identified as a priority population as a
134 condition of the receipt of the Substance Abuse Block Grant.

135 (2) Crisis services, as defined in s. 394.67, must, within
136 the limitations of available state and local matching resources,
137 be available to each person who is eligible for services under



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138 subsection (1), regardless of the person's ability to pay for
139 such services. A person who is experiencing a mental health
140 crisis and who does not meet the criteria for involuntary
141 examination under s. 394.463(1), or a person who is experiencing
142 a substance abuse crisis and who does not meet the involuntary
143 admission criteria in s. 397.675, must contribute to the cost of
144 his or her care and treatment pursuant to the sliding fee scale
145 developed under subsection (4), unless charging a fee is
146 contraindicated because of the crisis situation.

147 (3) Mental health services, substance abuse services, and
148 crisis services, as defined in s. 394.67, must, within the
149 limitations of available state and local matching resources, be
150 available to each person who is eligible for services under
151 subsection (1). Such person must contribute to the cost of his or
152 her care and treatment pursuant to the sliding fee scale
153 developed under subsection (4).

154 (4) The department shall adopt rules relating to client
155 implement the clinical eligibility, client enrollment, and fee
156 collection ~~requirements~~ for publicly funded substance abuse and
157 mental health services. The rules must require ~~that~~ each provider
158 under contract with the department which enrolls eligible persons
159 into treatment to develop a sliding fee scale for persons who
160 have a net family income at or above 150 percent of the Federal
161 Poverty Income Guidelines, unless otherwise required by state or
162 federal law. The sliding fee scale must use the uniform schedule
163 of discounts by which a provider under contract with the
164 department discounts its established client charges for services
165 supported with state, federal, or local funds, using, at a
166 minimum, factors such as family income, financial assets, and
167 family size as declared by the person or the person's guardian.



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168 The rules must include uniform criteria to be used by all service
169 providers in developing the schedule of discounts for the sliding
170 fee scale. The rules must address the most expensive types of
171 treatment, such as residential and inpatient treatment, in order
172 to make it possible for a client to responsibly contribute to his
173 or her mental health or substance abuse care without jeopardizing
174 the family's financial stability. A person who is not eligible
175 for Medicaid and whose net family income is less than 150 percent
176 of the Federal Poverty Income Guidelines must pay a portion of
177 his or her treatment costs which is comparable to the copayment
178 amount required by the Medicaid program for Medicaid clients
179 pursuant to s. 409.9081. The rules must require that persons who
180 receive financial assistance from the Federal Government because
181 of a disability and are in long-term residential treatment
182 settings contribute to their board and care costs and treatment
183 costs and must be consistent with the provisions in s. 409.212.

184 (5) A person who meets the eligibility criteria in
185 subsection (1) shall be served in accordance with the appropriate
186 district substance abuse and mental health services plan
187 specified in s. 394.75 and within available resources.

188 (6) The department may adopt rules to administer this
189 section.

190 Section 5. Section 394.4996, Florida Statutes, is created
191 to read:

192 394.4996 Integrated adult mental health crisis
193 stabilization and addictions receiving facilities.--

194 (1) Beginning July 1, 2008, the Agency for Health Care
195 Administration, in consultation with the Department of Children
196 and Family Services, may license facilities that integrate
197 services provided in an adult mental health crisis stabilization



198 unit with services provided in an adult addictions receiving
199 facility. Such a facility shall be licensed by the agency as an
200 adult crisis stabilization unit under part IV and shall meet all
201 licensure requirements for crisis stabilization units providing
202 integrated services.

203 (2) An integrated mental health crisis stabilization unit
204 and addictions receiving facility may provide services under this
205 section to adults, 18 years of age or older, who fall into one or
206 more of the following categories:

207 (a) An adult meeting the requirements for voluntary
208 admission for mental health treatment under s. 394.4625.

209 (b) An adult meeting the criteria for involuntary
210 examination for mental illness under s. 394.463.

211 (c) An adult qualifying for voluntary admission for
212 substance abuse treatment under s. 397.601.

213 (d) An adult meeting the criteria for involuntary admission
214 for substance abuse impairment under s. 397.675.

215 (3) The department, in consultation with the agency, shall
216 adopt by rule standards that address eligibility criteria;
217 clinical procedures; staffing requirements; operational,
218 administrative, and financing requirements; and the investigation
219 of complaints. Standards that are implemented specific to
220 substance abuse treatment services shall meet or exceed existing
221 standards for addiction receiving facilities.

222 Section 6. Subsection (1) of section 553.80, Florida
223 Statutes, is amended to read:

224 553.80 Enforcement.--

225 (1) Except as provided in paragraphs (a)-(g) ~~(a)-(f)~~, each
226 local government and each legally constituted enforcement
227 district with statutory authority shall regulate building



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228 construction and, where authorized in the state agency's enabling
229 legislation, each state agency shall enforce the Florida Building
230 Code required by this part on all public or private buildings,
231 structures, and facilities, unless such responsibility has been
232 delegated to another unit of government pursuant to s. 553.79(9).

233 (a) Construction regulations relating to correctional
234 facilities under the jurisdiction of the Department of
235 Corrections and the Department of Juvenile Justice are to be
236 enforced exclusively by those departments.

237 (b) Construction regulations relating to elevator equipment
238 under the jurisdiction of the Bureau of Elevators of the
239 Department of Business and Professional Regulation shall be
240 enforced exclusively by that department.

241 (c) Construction regulations relating to secure mental
242 health treatment facilities under the jurisdiction of the
243 Department of Children and Family Services and secure mental
244 health treatment facilities licensed under chapter 395 by the
245 Agency for Health Care Administration shall be enforced
246 exclusively by that department and the agency.

247 (d)-(e) In addition to the requirements of s. 553.79 and
248 this section, facilities subject to ~~the provisions of~~ chapter 395
249 and part II of chapter 400 shall have facility plans reviewed and
250 construction surveyed by the state agency authorized to do so
251 under the requirements of chapter 395 and part II of chapter 400
252 and the certification requirements of the Federal Government.

253 (e)-(d) Building plans approved under s. 553.77(3) and
254 state-approved manufactured buildings, including buildings
255 manufactured and assembled offsite and not intended for
256 habitation, such as lawn storage buildings and storage sheds, are
257 exempt from local code enforcing agency plan reviews except for



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258 provisions of the code relating to erection, assembly, or
259 construction at the site. Erection, assembly, and construction at
260 the site are subject to local permitting and inspections. Lawn
261 storage buildings and storage sheds bearing the insignia of
262 approval of the department are not subject to s. 553.842. Such
263 buildings that do not exceed 400 square feet may be delivered and
264 installed without need of a contractor's or specialty license.

265 ~~(f)(e)~~ Construction regulations governing public schools,
266 state universities, and community colleges shall be enforced as
267 provided in subsection (6).

268 ~~(g)(f)~~ The Florida Building Code as it pertains to toll
269 collection facilities under the jurisdiction of the turnpike
270 enterprise of the Department of Transportation shall be enforced
271 exclusively by the turnpike enterprise.

272
273 The governing bodies of local governments may provide a schedule
274 of fees, as authorized by s. 125.56(2) or s. 166.222 and this
275 section, for the enforcement of ~~the provisions of~~ this part. Such
276 fees shall be used solely for carrying out the local government's
277 responsibilities in enforcing the Florida Building Code. The
278 authority of state enforcing agencies to set fees ~~for enforcement~~
279 shall be derived from authority existing on July 1, 1998.

280 However, ~~nothing contained in~~ this subsection does not shall
281 ~~operate to~~ limit such agencies from adjusting their fee schedule
282 in conformance with existing authority.

283 Section 7. Section 916.111, Florida Statutes, is amended to
284 read:

285 916.111 Training of mental health experts.--The evaluation
286 of defendants for competency to proceed or for sanity at the time
287 of the commission of the offense shall be conducted in such a way



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288 as to ensure uniform application of the criteria enumerated in
289 Rules 3.210 and 3.216, Florida Rules of Criminal Procedure.

290 (1) A forensic evaluator training course approved by the
291 department must be provided at least annually to ensure that
292 mental health professionals have the opportunity to be placed on
293 the department's forensic evaluator registry.

294 (a) Beginning July 1, 2009, experts shall remain on the
295 registry if they have completed or retaken the required training
296 within the previous 5 years. Those who have not completed the
297 required training within the previous 5 years shall be removed
298 from the registry and may not conduct evaluations for the courts.

299 (b) A mental health professional who has completed the
300 training course within the previous 5 years is responsible for
301 maintaining documentation of completion of the required training
302 and providing the department with current contact information.

303 (2) The department shall develop, and may contract with
304 accredited institutions:

305 (a) ~~(1)~~ To provide:

306 1. ~~(a)~~ A plan for training mental health professionals to
307 perform forensic evaluations and to standardize the criteria and
308 procedures to be used in these evaluations;

309 2. ~~(b)~~ Clinical protocols and procedures based upon the
310 criteria of Rules 3.210 and 3.216, Florida Rules of Criminal
311 Procedure; and

312 3. ~~(e)~~ Training for mental health professionals in the
313 application of these protocols and procedures in performing
314 forensic evaluations and providing reports to the courts; and

315 (b) ~~(2)~~ To compile and maintain the necessary information
316 for evaluating the success of this program, including the number
317 of persons trained, the cost of operating the program, and the



318 effect on the quality of forensic evaluations as measured by
319 appropriateness of admissions to state forensic facilities and to
320 community-based care programs.

321 Section 8. Subsection (1) of section 916.115, Florida
322 Statutes, is amended to read:

323 916.115 Appointment of experts.--

324 (1) The court shall appoint no more than three experts to
325 determine the mental condition of a defendant in a criminal case,
326 including competency to proceed, insanity, involuntary placement,
327 and treatment. The experts may evaluate the defendant in jail or
328 in another appropriate local facility or in a facility of the
329 Department of Corrections.

330 (a) ~~To the extent possible, the~~ Appointed experts must
331 ~~shall~~ have completed forensic evaluator training as provided in
332 s. 916.111 approved by the department, and each shall be a
333 psychiatrist, licensed psychologist, or physician.

334 (b) Graduate students completing a practicum or internship,
335 psychological specialists or counselors, and postdoctoral fellows
336 at the state's mental health treatment facilities may assist in
337 the evaluation process as long as their reports are overseen and
338 signed by a supervising evaluator who has completed forensic
339 evaluator training within the previous 5 years.

340 (c) ~~(b)~~ The department shall maintain and annually provide
341 the courts with a forensic evaluator registry list of available
342 mental health professionals who have completed the approved
343 training as experts.

344 Section 9. Section 916.13, Florida Statutes, is amended to
345 read:

346 916.13 Involuntary commitment of defendant adjudicated
347 incompetent.--



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348 (1) Except for a defendant who is serving a sentence in the
349 custody of the Department of Corrections, a ~~Every~~ defendant who
350 is charged with a felony and who is adjudicated incompetent to
351 proceed may be involuntarily committed for treatment upon a
352 finding by the court of clear and convincing evidence that:

353 (a) The defendant has a mental illness and because of the
354 mental illness:

355 1. The defendant is manifestly incapable of surviving alone
356 or with the help of willing and responsible family or friends,
357 including available alternative services, and, without treatment,
358 the defendant is likely to suffer from neglect or refuse to care
359 for herself or himself and such neglect or refusal poses a real
360 and present threat of substantial harm to the defendant's well-
361 being; or

362 2. There is a substantial likelihood that in the near
363 future the defendant will inflict serious bodily harm on herself
364 or himself or another person, as evidenced by recent behavior
365 causing, attempting, or threatening such harm;

366 (b) All available, less restrictive treatment alternatives,
367 including treatment in community residential facilities or
368 community inpatient or outpatient settings, which would offer an
369 opportunity for improvement of the defendant's condition have
370 been judged to be inappropriate; and

371 (c) There is a substantial probability that the mental
372 illness causing the defendant's incompetence will respond to
373 treatment and the defendant will regain competency to proceed in
374 the reasonably foreseeable future.

375 (2) (a) A defendant who has been charged with a felony and
376 who has been adjudicated incompetent to proceed due to mental
377 illness, and who meets the criteria for involuntary commitment ~~to~~



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378 ~~the department~~ under ~~the provisions of~~ this chapter, may be
379 committed to the department, and the department shall retain and
380 treat the defendant. Within ~~No later than~~ 6 months after the date
381 of admission and at the end of any period of extended commitment,
382 or at any time the administrator or designee shall have
383 determined that the defendant has regained competency to proceed
384 or no longer meets the criteria for continued commitment, the
385 administrator or designee shall file a report with the court
386 pursuant to the applicable Florida Rules of Criminal Procedure.

387 (b) A defendant who is serving a sentence in the custody of
388 the Department of Corrections, who is charged with a new felony
389 or is entitled to a mandatory appeal pursuant to Rule 3.851,
390 Florida Rules of Criminal Procedure, and who has been adjudicated
391 incompetent to proceed due to mental illness shall be retained in
392 the physical custody of the Department of Corrections and the
393 department shall administer a lesson plan for competency
394 restoration training provided by the Department of Children and
395 Family Services. Within 6 months after the administration of the
396 lesson plan and every 12 months thereafter, or at any time the
397 Department of Children and Family Services determines that the
398 defendant has regained competency to proceed, the Department of
399 Children and Family Services shall file a report with the court
400 pursuant to the applicable Florida Rules of Criminal Procedure.

401 (c) Within 15 days after the court receives notification
402 that a defendant is competent to proceed or no longer meets the
403 criteria for continued commitment, the defendant shall be
404 transported back to jail pursuant to s. 916.107(10) for the
405 purpose of holding a competency hearing.



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406 (d) A competency hearing shall be held within 30 days after
407 a court receives notification that the defendant is competent to
408 proceed.

409 Section 10. Section 916.15, Florida Statutes, is amended to
410 read:

411 916.15 Involuntary commitment of defendant adjudicated not
412 guilty by reason of insanity.--

413 (1) The determination of whether a defendant is not guilty
414 by reason of insanity shall be determined in accordance with Rule
415 3.217, Florida Rules of Criminal Procedure.

416 (2) Except for a defendant who is serving a sentence in the
417 custody of the Department of Corrections, a defendant who is
418 acquitted of criminal charges because of a finding of not guilty
419 by reason of insanity may be involuntarily committed pursuant to
420 such finding if the defendant has a mental illness and, because
421 of the illness, is manifestly dangerous to himself or herself or
422 others.

423 (3) Except for a defendant who is serving a sentence in the
424 custody of the Department of Corrections, a ~~Every~~ defendant
425 acquitted of criminal charges by reason of insanity and found to
426 meet the criteria for involuntary commitment may be committed and
427 treated in accordance with ~~the provisions of~~ this section and the
428 applicable Florida Rules of Criminal Procedure. The department
429 shall admit a defendant so adjudicated to an appropriate facility
430 or program for treatment and shall retain and treat such
431 defendant.

432 (a) Within ~~No later than~~ 6 months after the date of
433 admission, prior to the end of any period of extended commitment,
434 or at any time the administrator or designee has ~~shall have~~
435 determined that the defendant no longer meets the criteria for



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436 continued commitment placement, the administrator or designee
437 shall file a report with the court pursuant to the applicable
438 Florida Rules of Criminal Procedure.

439 (b) Within 15 days after the court receives notification
440 that the defendant no longer meets the criteria for continued
441 commitment placement, the defendant shall, pursuant to s.
442 916.107(10), be transported back to jail for the purpose of
443 holding a commitment hearing.

444 (c) A commitment hearing shall be held within 30 days after
445 the court receives notification that the defendant no longer
446 meets the criteria for continued commitment placement.

447 (4) A defendant who is serving a sentence in the custody of
448 the Department of Corrections, who has been charged with a new
449 felony, and who has been adjudicated not guilty by reason of
450 insanity shall be retained in the physical custody of the
451 Department of Corrections for the remainder of his or her
452 sentence. Within 30 days before the defendant's anticipated
453 release date, the Department of Children and Family Services
454 shall evaluate the defendant and file a report with the court
455 requesting that the defendant be returned to the court's
456 jurisdiction to determine if the defendant continues to meet the
457 criteria for continued commitment placement.

458 (5)-(4) In all proceedings under this section, both the
459 defendant and the state shall have the right to a hearing before
460 the committing court. Evidence at such hearing may be presented
461 by the hospital administrator or the administrator's designee as
462 well as by the state and the defendant. The defendant shall have
463 the right to counsel at any such hearing. If ~~In the event that~~ a
464 defendant is determined to be indigent pursuant to s. 27.52, the
465 public defender shall represent the defendant. The parties shall



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466 have access to the defendant's records at the treating facilities
467 and may interview or depose personnel who have had contact with
468 the defendant at the treating facilities.

469 Section 11. Paragraphs (b) and (d) of subsection (1) of
470 section 985.19, Florida Statutes, are amended to read:

471 985.19 Incompetency in juvenile delinquency cases.--

472 (1) If, at any time prior to or during a delinquency case,
473 the court has reason to believe that the child named in the
474 petition may be incompetent to proceed with the hearing, the
475 court on its own motion may, or on the motion of the child's
476 attorney or state attorney must, stay all proceedings and order
477 an evaluation of the child's mental condition.

478 (b) All determinations of competency shall be made at a
479 hearing, with findings of fact based on an evaluation of the
480 child's mental condition made by not less than two nor more than
481 three experts appointed by the court. The basis for the
482 determination of incompetency must be specifically stated in the
483 evaluation and shall be conducted in compliance with uniform
484 procedures relating to competency to proceed and evaluation
485 criteria. ~~In addition, a recommendation as to whether residential~~
486 ~~or nonresidential treatment or training is required must be~~
487 ~~included in the evaluation.~~ Experts appointed by the court to
488 determine the mental condition of a child shall be allowed
489 reasonable fees for services rendered. State employees may be
490 paid expenses pursuant to s. 112.061. The fees shall be taxed as
491 costs in the case.

492 (d) Appointed experts shall have completed forensic
493 evaluator training approved by the Department of Children and
494 Family Services within 5 years before conducting evaluations for



495 the court, and each shall be a psychiatrist, licensed
496 psychologist, or physician.

497 1. ~~(d)~~ For incompetency evaluations related to mental
498 illness, the Department of Children and Family Services shall
499 maintain and annually provide the courts with a list of available
500 mental health professionals who have completed a training program
501 approved by the Department of Children and Family Services to
502 perform the evaluations. Beginning July 1, 2009, experts shall
503 remain on the list as long as they have completed or retaken the
504 forensic evaluator training within the previous 5 years. Those
505 who have not completed the required training within the previous
506 5 years shall be removed from the list and may not conduct
507 evaluations for the courts.

508 2. Experts are responsible for maintaining documentation of
509 completion of the required training and providing the department
510 with current contact information.

511 Section 12. The Department of Children and Family Services
512 and the Agency for Health Care Administration, in consultation
513 with the Florida Substance Abuse and Mental Health Corporation
514 and the Criminal Justice, Mental Health, and Substance Abuse
515 Technical Assistance Center, shall prepare a plan relating to the
516 provision and management of mental health services for
517 consideration by the Legislature.

518 (1) The plan shall, at a minimum, include the following:

519 (a) A review and evaluation of the structure of governance
520 of mental health services and recommendations that will improve
521 the coordination of services at the local and state level,
522 maximize the use of resources, and inform and link target
523 populations with available services.



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524 (b) A review and evaluation of, and recommendations
525 concerning, the development of methodologies to accurately
526 estimate target populations for mental health services, the
527 service needs of each target population, and the availability of
528 services.

529 (c) Proposed guidelines for the development and
530 implementation of community-based mental health programs and
531 services that reduce the likelihood of future involvement with
532 the criminal justice system.

533 (d) Proposed guidelines for the development and
534 implementation of programs and services that facilitate the
535 transition and successful reentry into the community by providing
536 a continuum of mental health services to persons released from
537 criminal justice or forensic facilities.

538 (e) Recommended performance measures and reporting
539 requirements for state and local programs and services specified
540 in paragraphs (c) and (d).

541 (f) Proposed guidelines and strategies for providing a
542 continuum of care to persons receiving competency restoration
543 services.

544 (2) The plan shall be submitted to the Governor, the
545 President of the Senate, and the Speaker of the House of
546 Representatives by January 1, 2010.

547 Section 13. The Office of Program Policy Analysis and
548 Government Accountability shall conduct a study and make
549 recommendations relating to mental health services by January
550 2009. The study shall include a review of the following:

551 (1) Mental health courts in this state compared with
552 similar courts in other states.



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553 (2) Mental health funding in this state compared with
554 mental health funding in other states.

555 (3) A review of cost-containment strategies for mental
556 health services in other states.

557 (4) Mental health diversion programs in this state compared
558 with similar programs in other states.

559 Section 14. This act shall take effect July 1, 2008.

560
561 ===== T I T L E A M E N D M E N T =====

562 And the title is amended as follows:

563 Delete everything before the enacting clause
564 and insert:

565 A bill to be entitled
566 An act relating to mental health and substance abuse;
567 amending s. 394.4572, F.S.; requiring level II screening
568 for all personnel who work with persons with mental
569 illness; amending s. 394.462, F.S.; providing for HIV
570 testing of persons being transported for mental health
571 services upon the request of law enforcement officers or
572 other designated agents who come into contact with the
573 person's body fluids; requiring the county health
574 department to provide HIV testing at no cost to such
575 officers and agents; amending s. 394.67, F.S.; removing an
576 obsolete reference to a corporation's contract with the
577 Department of Children and Family Services and adding a
578 reference to a corporation's licensure by the Agency for
579 Health Care Administration to the definition of
580 residential treatment center for children and adolescents;
581 amending s. 394.674, F.S.; establishing priority
582 populations who are eligible for services funded by the



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583 Department of Children and Family Services; authorizing
584 the department to adopt rules; creating s. 394.4996, F.S.;
585 authorizing the department to establish facilities that
586 provide services as an integrated adult mental health
587 crisis stabilization unit and addictions receiving
588 facility; requiring licensure; providing eligibility
589 criteria for treatment services; authorizing the
590 department to adopt rules; amending s. 553.80, F.S.;
591 requiring that local construction regulations for secure
592 mental health treatment facilities be enforced by the
593 department or the Agency for Health Care Administration;
594 amending s. 916.111, F.S.; requiring that a forensic
595 evaluator training course be provided annually in order
596 for mental health experts to be placed on the forensic
597 evaluator registry; providing that mental health
598 professionals that have taken the course within the last 5
599 years remain on the registry; requiring mental health
600 professionals on the registry to maintain training course
601 documentation and provide the department with current
602 information; amending s. 916.115, F.S.; allowing certain
603 persons who are supervised by a person who has taken the
604 forensic evaluator training course to assist in the
605 forensic evaluation process; amending s. 916.13, F.S.;
606 requiring defendants in the custody of the Department of
607 Corrections who are adjudicated incompetent to remain in
608 the custody of the Department of Corrections and receive
609 treatment from the department; requiring the Department of
610 Children and Family Services to determine whether the
611 inmate has regained competency; providing timelines for
612 competency hearings; amending s. 916.15, F.S.; providing a



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613 | timeline for holding a commitment hearing for defendants
614 | who no longer meet the criteria for continued commitment
615 | by reason of insanity; providing an exception for
616 | defendants in the custody of the Department of
617 | Corrections; requiring defendants in the custody of the
618 | Department of Corrections who are charged with a new
619 | felony and found not guilty by reason of insanity to
620 | remain in the department's custody for the remainder of
621 | their sentence; requiring the Department of Children and
622 | Family Services to evaluate the inmate and file a report
623 | with the court requesting a hearing for determining
624 | continued commitment placement; amending s. 985.19, F.S.;
625 | requiring that experts appointed in juvenile incompetent-
626 | to-proceed cases be a psychiatrist, licensed psychologist,
627 | or physician and have completed the forensic evaluator
628 | training within 5 years prior to conducting evaluations
629 | for the court; providing that, beginning July 1, 2009,
630 | experts who have completed or retaken the course within
631 | the last 5 years remain on the registry; requiring experts
632 | on the registry to maintain training course documentation
633 | and provide the Department of Children and Family Services
634 | with current information; requiring the Department of
635 | Children and Family Services and the Agency for Health
636 | Care Administration to prepare a mental health plan to be
637 | submitted to the Legislature and the Governor; requiring a
638 | study by the Office of Program Policy Analysis and
639 | Governmental Accountability on mental health issues;
640 | providing an effective date.