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CHAMBER ACTION

Senate

House

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Senator Storms moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

394.4572 Screening of mental health personnel.--

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

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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

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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



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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



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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 during the 5-year effective  
511 period of the required training.

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

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

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



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

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

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

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

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

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

548 Section 13. The Office of Program Policy Analysis and  
549 Government Accountability shall conduct a study and make  
550 recommendations relating to mental health services by January  
551 2009. The study shall include a review of the following:

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



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

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

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

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

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

563 And the title is amended as follows:

564       Delete everything before the enacting clause  
565 and insert:

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



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



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