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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/16/2009	.	
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The Committee on Governmental Oversight and Accountability
(Siplin) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. (1) There is created a workgroup to review state policy and budgeting issues affecting adults with serious mental illness who also have involvement with the state criminal justice system. The Secretary of Children and Family Services, in conjunction with the Secretary of Corrections and the Secretary of Health Care Administration, shall provide staff and other administrative assistance to the workgroup.



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12 (1) The workgroup shall consist of the following members:

13 (a) One member from the Substance Abuse and Mental Health
14 Corporation.

15 (b) One member appointed by Florida Legal Services, Inc.

16 (c) One member appointed by the Florida Psychiatric
17 Society.

18 (d) One member appointed by the Correctional Medical
19 Authority.

20 (e) One member appointed by the Florida Prosecuting
21 Attorneys Association.

22 (f) One member appointed by the Florida Public Defender
23 Association.

24 (g) One member appointed by the Florida Association of
25 Court Clerks.

26 (h) One member appointed by the Florida Assisted Living
27 Affiliation.

28 (i) One member appointed by the Florida Council for
29 Community Mental Health.

30 (j) One member appointed by the Department of Children and
31 Family Services.

32 (k) One member appointed by the Agency for Health Care
33 Administration.

34 (l) One member appointed by the Department of Corrections.

35 (m) One member appointed by the Florida Sheriffs
36 Association.

37 (n) One member appointed by the Florida Police Benevolent
38 Association.

39 (o) One member appointed by the Florida chapter of the
40 National Alliance for the Mentally Ill.



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- 41 (p) One member appointed by the Florida Hospital
42 Association representing private receiving facilities.
- 43 (q) One member appointed by the Florida Psychological
44 Association.
- 45 (r) One member appointed by the President of the Senate.
- 46 (s) One member appointed by the Speaker of the House of
47 Representatives.
- 48 (t) One member appointed by the Governor.
- 49 (3) Members of the workgroup shall serve without
50 compensation for such service. However, each member is entitled
51 to reimbursement from the member's appointing entity for per
52 diem and travel expenses as provided in s. 112.061, Florida
53 Statutes.
- 54 (4) Each meeting of the workgroup shall be held in
55 Tallahassee at the offices of the Department of Children and
56 Family Services. The workgroup shall meet four times per year
57 and may use electronic means of communication, which may
58 include, but are not limited to, conference calls, webinars, and
59 video conferencing.
- 60 (5) The workgroup shall organize and conduct its meetings
61 in accordance with Robert's Rules of Order.
- 62 (6) The workgroup may request the Louis de la Parte Florida
63 Mental Health Institute at the University of South Florida to
64 conduct research or analysis of data projects identified by the
65 chair and the members, within existing contractual agreements
66 with the Department of Children and Family Services.
- 67 (7) The review conducted by the workgroup under this
68 section must include:
- 69 (a) The identification of all state funds being expended on



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70 the care of adults with mental illnesses who have legal
71 involvement with state and county courts, including funds
72 expended on care in correctional facilities and funds expended
73 on medication, courts, attorneys, state institutions, contracts
74 with private institutions, community-based programs, Medicaid
75 services, state-funded substance abuse services, state-funded
76 mental health services, and managed care plans.

77 (b) A detailed examination of community-based service
78 delivery systems, including utilization issues, housing issues,
79 psychiatric emergency crisis response outcomes, effective
80 practices, and programs directed toward individuals who are at
81 risk for court or legal involvement.

82 (c) A detailed review of data, utilization, and cost
83 analysis for individuals who are involved with the county
84 courts, state courts, state prisons, and state and private
85 institutions, have been charged with misdemeanors or felonies,
86 and have a diagnosis of serious and persistent mental illness.

87 (d) A detailed review of utilization data and costs for
88 individuals who have traumatic brain injuries, have involvement
89 with state courts, state prisons, county courts, or county
90 jails, and have involvement with state-funded substance abuse
91 and mental health services.

92 (e) A review of the role and costs of early discharge and
93 inappropriate placement on the use of state prisons and county
94 jails from public crisis-stabilization units, community
95 inpatient psychiatric hospitals, and state and private
96 institutions that care for persons with serious and persistent
97 mental illness.

98 (f) A review of the criminal code, including penalties and



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99 sentencing guidelines, and other laws pertaining to the forensic
100 mentally ill in order to assess where changes could be made that
101 protect public safety while ensuring that the needs of the
102 mentally ill are met in a cost-effective manner, with a goal to
103 create a plan that will reduce reliance on state prisons and
104 county jails.

105 (g) The identification of programs, practices, and
106 innovative solutions emerging in the state which would reduce
107 the need for incarceration, improve cost-effectiveness, and help
108 reduce the impact on the state budget and improve public safety.

109 (h) A process for requesting and reviewing innovative
110 proposals that would help the state optimize the use of state
111 funding by examining the use of special pilot projects, mental
112 health courts, changes in emergency psychiatric care, new
113 approaches to law enforcement practices and court diversion
114 programs, and the use of modified sentencing or waivers relative
115 to the criminal code.

116 (i) The development, in conjunction with the Agency for
117 Health Care Administration, of a proposal for legislative
118 consideration which would establish an innovative Medicaid
119 waiver that would help support stable housing and services for
120 those individuals defined as at risk of court-related
121 involvement. For the purposes of this subsection, the term "at
122 risk of court-related involvement" means a person who has been
123 charged with a misdemeanor or felony and diagnosed with a
124 serious and persistent mental illness.

125 (j) A review of the effect of substance abuse on the system
126 and methods to create integration and the use of Medicaid
127 waivers, such as the Medicaid 1915c Home and Community-Based



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128 Waiver, to provide a more integrated approach to treating
129 substance abuse in the community.

130 (k) The use of involuntary outpatient commitment
131 requirements under the Baker Act and the need for changes to
132 those requirements which would help reduce or mitigate the
133 potential for court involvement in this process. This review
134 shall include the use of the Florida Medication Algorithm
135 Project and its implications for improved outcomes relative to
136 individuals at risk of court-related involvement.

137 (l) A review of the current status of the use of electronic
138 medical records, the need for broader use of electronic medical
139 records for individuals at risk of court involvement, and the
140 fiscal impact in terms of the savings that this type of client
141 information system would have on reducing state expenditures and
142 improving access to care for those considered most at risk. The
143 workgroup may request experts in the field to make presentations
144 and respond to questions. The workgroup shall make
145 recommendations as provided in subsection (9).

146 (m) A review and comparison of the practices and standards
147 used in correctional facilities to provide mental health care
148 for individuals who are incarcerated in county jails, state
149 prisons, or state or private state mental health forensic
150 institutions.

151 (n) The consideration of plans and recommendations
152 concerning appropriate methods of diverting mentally ill inmates
153 to less restrictive and less expensive alternatives using
154 conditional release or probation.

155 (o) A review of probation and parole requirements for
156 recommended modifications in order to assist with improving



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157 community placement and community control for persons with
158 serious and persistent mental illnesses who are eligible for
159 probation. This shall include a review of rules and policies and
160 recommendations.

161 (p) A review of practices associated with the discharge of
162 individuals with a serious mental illness from the Department of
163 Corrections and from state-operated and state-funded forensic
164 mental health institutions for compliance with interagency
165 agreements regarding placement in the community, recidivism to a
166 jail or institutional setting, and utilization of hospital
167 emergency rooms, involuntary commitment services, and crisis
168 stabilization units.

169 (8) The Department of Children and Family Services, the
170 Department of Corrections, and the Agency for Health Care
171 Administration may use outside research organizations to help
172 collect information for the workgroup to use in assessing the
173 factors contributing to the rise in the numbers of adults with
174 serious mental illness in the criminal justice system.

175 (9) The workgroup shall make recommendations in its interim
176 and final reports regarding proposed changes to the state penal
177 code, sentencing guidelines, state mental health policy, and
178 related strategies which would improve public safety through
179 better integration of behavioral health care at all levels of
180 the criminal justice system, with a goal of reducing reliance on
181 county jails and state prisons. The workgroup shall submit an
182 interim report with findings and recommendations to the
183 President of the Senate, the Speaker of the House of
184 Representatives, and the Governor by January 5, 2010, and its
185 final report with recommendations and findings by January 5,



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186 2011.

187 (10) The workgroup terminates and this section expires July
188 1, 2011.

189 Section 2. This act shall take effect July 1, 2009.

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

192 And the title is amended as follows:

193 Delete everything before the enacting clause

194 and insert:

195 A bill to be entitled

196 An act relating to forensic mental health policy;
197 providing for the creation of a workgroup to review
198 state policy and budgeting issues affecting adults
199 with serious mental illness who also have involvement
200 with the state criminal justice system; providing for
201 administrative and assistance; providing for
202 membership, organization, and meetings; specifying
203 that members serve without compensation, but are
204 reimbursed for expenses; specifying components of the
205 review; authorizing use of outside research
206 organizations; providing for interim and final
207 reports; providing for future termination of the
208 workgroup and expiration of the provisions creating
209 it; providing an effective date.

210