

By Senator Wise

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1 A bill to be entitled

2 An act relating to a workgroup on forensic mental
3 health; providing for creation of a workgroup to
4 review state policy and budgeting issues affecting
5 adults with serious mental illness who also have
6 involvement with the state criminal justice system;
7 providing for administrative oversight and assistance;
8 providing for membership, organization, and meetings;
9 specifying that members serve at their own expense;
10 providing for certain workgroup expenses; authorizing
11 field trips; specifying components of the review;
12 authorizing use of outside research organizations;
13 providing for interim and final reports; providing for
14 future termination of the workgroup and repeal of act;
15 providing an effective date.

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

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

27 (2) The workgroup shall consist of the following members:
28 two members from the Department of Children and Family Services;
29 two members from the Agency for Health Care Administration; two

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30 members from the Department of Corrections; one member from the
31 Florida Sheriffs Association; two members from the Florida
32 Prosecuting Attorneys Association, one of whom shall be a state
33 attorney; two members from the Florida Public Defender
34 Association, one of whom shall be a public defender; one member
35 from the Florida Council for Community Mental Health; one member
36 from the Florida Psychiatric Society; one member from the
37 Florida Assisted Living Affiliation; one member appointed by the
38 director of the Office of Program Policy Analysis and Government
39 Accountability; one member appointed by the Chief Justice of the
40 Florida Supreme Court; one member from NAMI Florida; one member
41 from Florida Legal Services, Inc.; two members appointed by the
42 Speaker of the House of Representatives; two members appointed
43 by the Senate President; and two members appointed by the
44 Governor.

45 (3) (a) Members of the workgroup shall serve without
46 compensation for such service. Any member of the workgroup who
47 is a public employee is entitled to reimbursement for per diem
48 and travel expenses as provided in s. 112.061.

49 (b) Expenses of the workgroup, other than member travel
50 expenses, shall be paid from funds appropriated to the
51 Department of Children and Family Services, the Department of
52 Corrections, and the Agency for Health Care Administration for
53 that purpose.

54 (4) (a) The workgroup shall organize and conduct its
55 meetings in accordance with Robert's Rules of Order.

56 (b) The chairperson may appoint subcommittees. The
57 workgroup or a subcommittee may conduct field trips to state
58 facilities at the expense of its members.

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59 (5) The review conducted by the workgroup under this
60 section shall include:

61 (a) The identification of all state funds being expended on
62 the care of adults with mental illnesses who have legal
63 involvement with state and county courts, including funds
64 expended on care in any correctional facility and funds expended
65 on medication, courts, attorneys, state institutions, community-
66 based programs, and Medicaid services.

67 (b) A detailed examination of community-based service
68 delivery systems, including utilization issues, housing issues,
69 psychiatric emergency crisis response outcomes, effective
70 practices, and programs targeting individuals at risk for court
71 or legal involvement.

72 (c) A review of the data and recommendations of the
73 research on factors and trends impacting the use of jails,
74 prisons, and forensic mental health care to manage the needs of
75 adults with mental illness.

76 (d) A review of the criminal code, including penalties and
77 sentencing guidelines, and other laws pertaining to the forensic
78 mentally ill to assess where changes could be made to protect
79 public safety while ensuring that the needs of the mentally ill
80 are met in a cost-effective manner, including eliminating the
81 use of prisons as a means of caring for these individuals and
82 facilitating state budget transfers between criminal justice and
83 behavioral health allocations.

84 (e) With the assistance of the Supreme Court's Mental
85 Health Subcommittee of the Steering Committee on Families and
86 Children in the Court, the identification of programs,
87 practices, and innovative solutions emerging in the state that

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88 would reduce the need for incarceration, improve cost-
89 effectiveness, and help reduce the impact on the state budget
90 and improve public safety.

91 (f) The consideration of innovative proposals that would
92 help the state optimize the use of state funding by examining
93 the use of special pilot projects, mental health courts, changes
94 in emergency psychiatric care, new approaches to law enforcement
95 practices and court diversion programs, and the use of modified
96 sentencing or waivers relative to the criminal code and local
97 state attorneys.

98 (g) A review of the impact that substance abuse issues have
99 on the system and methods to create integration and use Medicaid
100 wavers like the Medicaid 1915c Home and Community-Based Waiver
101 to provide a more integrated approach to treating substance
102 abuse in the community.

103 (h) The consideration of proposals to use both community
104 and institutional funding to help construct a system that will
105 ensure public safety, reduce state costs, and provide more
106 effective outcomes.

107 (i) The use of the involuntary outpatient commitment
108 requirements under the Baker Act and the need for changes to
109 those requirements that would help reduce or mitigate the
110 potential for court involvement in this process. This review
111 shall include the use of the Florida Medication Algorithm
112 Project and its implications for improved outcomes relative to
113 individuals at risk for court-related involvement.

114 (j) The current status of the use of electronic medical
115 records, the need for broader use of electronic medical records
116 for individuals at risk of court involvement, and the fiscal

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117 impact in terms of savings this type of client information
118 system would have on reducing state expenditures and improving
119 access to care for those considered most at risk.

120 (6) The Department of Children and Family Services, the
121 Department of Corrections, and the Agency for Health Care
122 Administration may use outside research organizations,
123 including, but not limited to, the Office of Program Policy
124 Analysis and Government Accountability, to help collect
125 information for the workgroup to use in assessing the factors
126 contributing to the rise in the numbers of adults with serious
127 mental illness in the criminal justice system.

128 (7) The workgroup shall make recommendations in its interim
129 and final reports regarding proposed changes to state policy and
130 procedures that would improve public safety through better
131 integration of behavioral health care at all levels of the
132 criminal justice system, including any specific recommendations
133 for legislation. The workgroup shall submit an interim report
134 with findings and recommendations to the President of the
135 Senate, the Speaker of the House of representatives, and
136 Governor no later than January 5, 2010, and its final report
137 with recommendations and findings by January 5, 2011.

138 (8) The workgroup terminates and this section expires July
139 1, 2011.

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