

By the Committee on Children, Families, and Elder Affairs; and
Senator Wise

586-03453-09

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1 A bill to be entitled

2 An act relating to forensic mental health policy;
3 providing for the creation of a workgroup to review
4 state policy and budgeting issues affecting adults
5 with serious mental illness who also have involvement
6 with the state criminal justice system; providing for
7 administrative oversight and assistance; providing for
8 membership, organization, and meetings; specifying
9 that members serve without compensation, but are
10 reimbursed for expenses; providing for certain
11 workgroup expenses; specifying components of the
12 review; authorizing use of outside research
13 organizations; providing for interim and final
14 reports; providing for future termination of the
15 workgroup and expiration of the provisions creating
16 it; providing an effective date.

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

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20 Section 1. (1) There is created a workgroup to review state
21 policy and budgeting issues affecting adults with serious mental
22 illness who also have involvement with the state criminal
23 justice system. The Secretary of Children and Family Services,
24 in conjunction with the Secretary of Corrections and the
25 Secretary of Health Care Administration, shall oversee and
26 provide staff and other administrative assistance to the
27 workgroup using funds appropriated under the American Recovery
28 and Reinvestment Act of 2009.

29 (2) The workgroup shall consist of the following members:

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30 (a) One member from the Substance Abuse and Mental Health
31 Corporation.

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

33 (c) One member appointed by the Florida Psychiatric
34 Society.

35 (d) One member appointed by the Correctional Medical
36 Authority.

37 (e) One member appointed by the Florida Prosecuting
38 Attorneys Association.

39 (f) One member appointed by the Florida Public Defender
40 Association.

41 (g) One member appointed by the Florida Association of
42 Court Clerks.

43 (h) One member appointed by the Florida Assisted Living
44 Affiliation.

45 (i) One member appointed by the Florida Council for
46 Community Mental Health.

47 (j) One member appointed by the Department of Children and
48 Family Services.

49 (k) One member appointed by the Agency for Health Care
50 Administration.

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

52 (m) One member appointed by the Florida Sheriffs
53 Association.

54 (n) One member appointed by the Florida Police Benevolent
55 Association.

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

58 (p) One member appointed by the Florida Hospital

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59 Association representing private receiving facilities.

60 (q) One member appointed by the Florida Psychological
61 Association.

62 (r) One member appointed by the President of the Senate.

63 (s) One member appointed by the Speaker of the House of
64 Representatives.

65 (t) One member appointed by the Governor.

66 (3) (a) Members of the workgroup shall serve without
67 compensation for such service. However, each member is entitled
68 to reimbursement for per diem and travel expenses as provided in
69 s. 112.061, Florida Statutes.

70 (b) Expenses of the workgroup, other than member travel
71 expenses, shall be paid from funds appropriated to the
72 Department of Children and Family Services, the Department of
73 Corrections, and the Agency for Health Care Administration.

74 (c) Each meeting of the workgroup shall be held in
75 Tallahassee at the offices of the Department of Children and
76 Family Services. The workgroup shall meet four times per year
77 and may use electronic means of communication, which may
78 include, but are not limited to, conference calls, webinars, and
79 video conferencing.

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

82 (b) The workgroup is authorized to request the Louis de la
83 Parte Florida Mental Health Institute at the University of South
84 Florida to conduct research or analysis of data projects
85 identified by the chair and the members, within existing
86 contractual agreements with the Department of Children and
87 Family Services.

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88 (5) The review conducted by the workgroup under this
89 section shall include:

90 (a) The identification of all state funds being expended on
91 the care of adults with mental illnesses who have legal
92 involvement with state and county courts, including funds
93 expended on care in any correctional facility and funds expended
94 on medication, courts, attorneys, state institutions, contracts
95 with private institutions, community-based programs, Medicaid
96 services, state-funded substance abuse services, state-funded
97 mental health services, and managed care plans.

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

103 (c) A detailed review of data, utilization, and cost
104 analysis for individuals who are involved with the county
105 courts, state courts, state prisons, and state and private
106 institutions, have been charged with misdemeanors or felonies,
107 and have a diagnosis of serious and persistent mental illness.

108 (d) A detailed review of utilization data and costs for
109 individuals who have traumatic brain injuries, have involvement
110 with state courts, state prisons, county courts, or county
111 jails, and have involvement with state-funded substance abuse
112 and mental health services.

113 (e) A review of the role and costs of early discharge and
114 inappropriate placement on the use of state prisons and county
115 jails from public crisis-stabilization units, community
116 inpatient psychiatric hospitals, and state and private

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117 institutions that care for persons with serious and persistent
118 mental illness.

119 (f) A review of the criminal code, including penalties and
120 sentencing guidelines, and other laws pertaining to the forensic
121 mentally ill in order to assess where changes could be made to
122 protect public safety while ensuring that the needs of the
123 mentally ill are met in a cost-effective manner, with a goal to
124 create a plan that will reduce reliance on state prisons and
125 county jails.

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

130 (h) A process for requesting and reviewing innovative
131 proposals that would help the state optimize the use of state
132 funding by examining the use of special pilot projects, mental
133 health courts, changes in emergency psychiatric care, new
134 approaches to law enforcement practices and court diversion
135 programs, and the use of modified sentencing or waivers relative
136 to the criminal code.

137 (i) The development, in conjunction with the Agency for
138 Health Care Administration, of a proposal for legislative
139 consideration which would establish an innovative Medicaid
140 waiver that would help support stable housing and services for
141 those individuals defined as at risk of court-related
142 involvement. For the purposes of this subsection, the term "at
143 risk of court-related involvement" means a person who has been
144 charged with a misdemeanor or felony and diagnosed with a
145 serious and persistent mental illness.

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146 (j) A review of the impact of substance abuse on the system
147 and methods to create integration and the use of Medicaid
148 waivers, such as the Medicaid 1915c Home and Community-Based
149 Waiver, to provide a more integrated approach to treating
150 substance abuse in the community.

151 (k) The use of the involuntary outpatient commitment
152 requirements under the Baker Act and the need for changes to
153 those requirements which would help reduce or mitigate the
154 potential for court involvement in this process. This review
155 shall include the use of the Florida Medication Algorithm
156 Project and its implications for improved outcomes relative to
157 individuals at risk of court-related involvement.

158 (l) A review of the current status of the use of electronic
159 medical records, the need for broader use of electronic medical
160 records for individuals at risk of court involvement, and the
161 fiscal impact in terms of the savings that this type of client
162 information system would have on reducing state expenditures and
163 improving access to care for those considered most at risk. The
164 workgroup may request experts in the field to make presentations
165 and respond to questions. The workgroup shall make
166 recommendations as provided in subsection (7).

167 (m) A review and comparison of the practices and standards
168 used in correctional facilities in providing mental health care
169 for individuals who are incarcerated in county jails, state
170 prisons, or state or private state mental health forensic
171 institutions.

172 (n) The consideration of plans and recommendations
173 concerning appropriate methods of diverting mentally ill inmates
174 to less restrictive and less expensive alternatives using

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175 conditional release or probation.

176 (o) A review of probation and parole requirements for
177 recommended modifications in order to assist with improving
178 community placement and community control for persons with
179 serious and persistent mental illnesses who are eligible for
180 probation. This shall include a review of rules and policies and
181 recommendations.

182 (p) A review of practices associated with the discharge of
183 individuals with a serious mental illness from the Department of
184 Corrections and from state-operated and state-funded forensic
185 mental health institutions for compliance with interagency
186 agreements regarding placement in the community, recidivism to a
187 jail or institutional setting, and utilization of hospital
188 emergency rooms, involuntary commitment services, and crisis
189 stabilization units.

190 (6) The Department of Children and Family Services, the
191 Department of Corrections, and the Agency for Health Care
192 Administration may use outside research organizations to help
193 collect information for the workgroup to use in assessing the
194 factors contributing to the rise in the numbers of adults with
195 serious mental illness in the criminal justice system.

196 (7) The workgroup shall make recommendations in its interim
197 and final reports regarding proposed changes to the state penal
198 code, sentencing guidelines, state mental health policy, and
199 related strategies which would improve public safety through
200 better integration of behavioral health care at all levels of
201 the criminal justice system, with a goal of reducing reliance on
202 county jails and state prisons. The workgroup shall submit an
203 interim report with findings and recommendations to the

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204 President of the Senate, the Speaker of the House of
205 Representatives, and the Governor no later than January 5, 2010,
206 and its final report with recommendations and findings by
207 January 5, 2011.

208 (8) The workgroup terminates and this section expires July
209 1, 2011.

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