

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.