

By the Committees on Governmental Oversight and Accountability; and Children, Families, and Elder Affairs; and Senators Wise and Dockery

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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 and assistance; providing for  
8           membership, organization, and meetings; specifying  
9           that members serve without compensation, but are  
10          reimbursed for expenses; specifying components of the  
11          review; authorizing use of outside research  
12          organizations; providing for interim and final  
13          reports; providing for future termination of the  
14          workgroup and expiration of the provisions creating  
15          it; providing an effective date.

16  
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 provide staff and  
25 other administrative assistance to the workgroup.

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

27           (a) One member from the Substance Abuse and Mental Health  
28 Corporation.

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

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- 30        (c) One member appointed by the Florida Psychiatric  
31 Society.
- 32        (d) One member appointed by the Correctional Medical  
33 Authority.
- 34        (e) One member appointed by the Florida Prosecuting  
35 Attorneys Association.
- 36        (f) One member appointed by the Florida Public Defender  
37 Association.
- 38        (g) One member appointed by the Florida Association of  
39 Court Clerks.
- 40        (h) One member appointed by the Florida Assisted Living  
41 Affiliation.
- 42        (i) One member appointed by the Florida Council for  
43 Community Mental Health.
- 44        (j) One member appointed by the Department of Children and  
45 Family Services.
- 46        (k) One member appointed by the Agency for Health Care  
47 Administration.
- 48        (l) One member appointed by the Department of Corrections.
- 49        (m) One member appointed by the Florida Sheriffs  
50 Association.
- 51        (n) One member appointed by the Florida Police Benevolent  
52 Association.
- 53        (o) One member appointed by the Florida chapter of the  
54 National Alliance for the Mentally Ill.
- 55        (p) One member appointed by the Florida Hospital  
56 Association representing private receiving facilities.
- 57        (q) One member appointed by the Florida Psychological  
58 Association.

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

60 (s) One member appointed by the Speaker of the House of  
61 Representatives.

62 (t) One member appointed by the Governor.

63 (3) Members of the workgroup shall serve without  
64 compensation for such service. However, each member is entitled  
65 to reimbursement from the member's appointing entity for per  
66 diem and travel expenses as provided in s. 112.061, Florida  
67 Statutes.

68 (4) Each meeting of the workgroup shall be held in  
69 Tallahassee at the offices of the Department of Children and  
70 Family Services. The workgroup shall meet four times per year  
71 and may use electronic means of communication, which may  
72 include, but are not limited to, conference calls, webinars, and  
73 video conferencing.

74 (5) The workgroup shall organize and conduct its meetings  
75 in accordance with Robert's Rules of Order.

76 (6) The workgroup may request the Louis de la Parte Florida  
77 Mental Health Institute at the University of South Florida to  
78 conduct research or analysis of data projects identified by the  
79 chair and the members, within existing contractual agreements  
80 with the Department of Children and Family Services.

81 (7) The review conducted by the workgroup under this  
82 section must include:

83 (a) The identification of all state funds being expended on  
84 the care of adults with mental illnesses who have legal  
85 involvement with state and county courts, including funds  
86 expended on care in correctional facilities and funds expended  
87 on medication, courts, attorneys, state institutions, contracts

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88 with private institutions, community-based programs, Medicaid  
89 services, state-funded substance abuse services, state-funded  
90 mental health services, and managed care plans.

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

96 (c) A detailed review of data, utilization, and cost  
97 analysis for individuals who are involved with the county  
98 courts, state courts, state prisons, and state and private  
99 institutions, have been charged with misdemeanors or felonies,  
100 and have a diagnosis of serious and persistent mental illness.

101 (d) A detailed review of utilization data and costs for  
102 individuals who have traumatic brain injuries, have involvement  
103 with state courts, state prisons, county courts, or county  
104 jails, and have involvement with state-funded substance abuse  
105 and mental health services.

106 (e) A review of the role and costs of early discharge and  
107 inappropriate placement on the use of state prisons and county  
108 jails from public crisis-stabilization units, community  
109 inpatient psychiatric hospitals, and state and private  
110 institutions that care for persons with serious and persistent  
111 mental illness.

112 (f) A review of the criminal code, including penalties and  
113 sentencing guidelines, and other laws pertaining to the forensic  
114 mentally ill in order to assess where changes could be made that  
115 protect public safety while ensuring that the needs of the  
116 mentally ill are met in a cost-effective manner, with a goal to

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117 create a plan that will reduce reliance on state prisons and  
118 county jails.

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

123 (h) A process for requesting and reviewing innovative  
124 proposals that would help the state optimize the use of state  
125 funding by examining the use of special pilot projects, mental  
126 health courts, changes in emergency psychiatric care, new  
127 approaches to law enforcement practices and court diversion  
128 programs, and the use of modified sentencing or waivers relative  
129 to the criminal code.

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

139 (j) A review of the effect of substance abuse on the system  
140 and methods to create integration and the use of Medicaid  
141 waivers, such as the Medicaid 1915c Home and Community-Based  
142 Waiver, to provide a more integrated approach to treating  
143 substance abuse in the community.

144 (k) The use of involuntary outpatient commitment  
145 requirements under the Baker Act and the need for changes to

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146 those requirements which would help reduce or mitigate the  
147 potential for court involvement in this process. This review  
148 shall include the use of the Florida Medication Algorithm  
149 Project and its implications for improved outcomes relative to  
150 individuals at risk of court-related involvement.

151 (l) A review of the current status of the use of electronic  
152 medical records, the need for broader use of electronic medical  
153 records for individuals at risk of court involvement, and the  
154 fiscal impact in terms of the savings that this type of client  
155 information system would have on reducing state expenditures and  
156 improving access to care for those considered most at risk. The  
157 workgroup may request experts in the field to make presentations  
158 and respond to questions. The workgroup shall make  
159 recommendations as provided in subsection (9).

160 (m) A review and comparison of the practices and standards  
161 used in correctional facilities to provide mental health care  
162 for individuals who are incarcerated in county jails, state  
163 prisons, or state or private state mental health forensic  
164 institutions.

165 (n) The consideration of plans and recommendations  
166 concerning appropriate methods of diverting mentally ill inmates  
167 to less restrictive and less expensive alternatives using  
168 conditional release or probation.

169 (o) A review of probation and parole requirements for  
170 recommended modifications in order to assist with improving  
171 community placement and community control for persons with  
172 serious and persistent mental illnesses who are eligible for  
173 probation. This shall include a review of rules and policies and  
174 recommendations.

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175 (p) A review of practices associated with the discharge of  
176 individuals with a serious mental illness from the Department of  
177 Corrections and from state-operated and state-funded forensic  
178 mental health institutions for compliance with interagency  
179 agreements regarding placement in the community, recidivism to a  
180 jail or institutional setting, and utilization of hospital  
181 emergency rooms, involuntary commitment services, and crisis  
182 stabilization units.

183 (8) The Department of Children and Family Services, the  
184 Department of Corrections, and the Agency for Health Care  
185 Administration may use outside research organizations to help  
186 collect information for the workgroup to use in assessing the  
187 factors contributing to the rise in the numbers of adults with  
188 serious mental illness in the criminal justice system.

189 (9) The workgroup shall make recommendations in its interim  
190 and final reports regarding proposed changes to the state penal  
191 code, sentencing guidelines, state mental health policy, and  
192 related strategies which would improve public safety through  
193 better integration of behavioral health care at all levels of  
194 the criminal justice system, with a goal of reducing reliance on  
195 county jails and state prisons. The workgroup shall submit an  
196 interim report with findings and recommendations to the  
197 President of the Senate, the Speaker of the House of  
198 Representatives, and the Governor by January 5, 2010, and its  
199 final report with recommendations and findings by January 5,  
200 2011.

201 (10) The workgroup terminates and this section expires July  
202 1, 2011.

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