

By the Committees on Judiciary; 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; specifying
10 procedures for reimbursement of travel expenses;
11 specifying components of the review; authorizing use
12 of outside research organizations; providing for
13 interim and final reports; providing for future
14 termination of the workgroup and expiration of the
15 provisions creating it; 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 Corrections and the Secretary
23 of Health Care Administration shall provide staff and other
24 administrative assistance to the workgroup.

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

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

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

29 (c) One member appointed by the Florida Psychiatric

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30 Society.

31 (d) One member appointed by the Correctional Medical
32 Authority.

33 (e) One member appointed by the Florida Prosecuting
34 Attorneys Association.

35 (f) One member appointed by the Florida Public Defender
36 Association.

37 (g) One member appointed by the Florida Association of
38 Court Clerks.

39 (h) One member appointed by the Florida Assisted Living
40 Affiliation.

41 (i) One member appointed by the Florida Council for
42 Community Mental Health.

43 (j) One member appointed by the Department of Children and
44 Family Services.

45 (k) One member appointed by the Agency for Health Care
46 Administration.

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

48 (m) One member appointed by the Florida Sheriffs
49 Association.

50 (n) One member appointed by the Florida Police Benevolent
51 Association.

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

54 (p) One member appointed by the Florida Hospital
55 Association representing private receiving facilities.

56 (q) One member appointed by the Florida Psychological
57 Association.

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

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

61 (t) One member appointed by the Governor.

62 (3) Members of the workgroup shall serve without
63 compensation for such service. However, governmental entities
64 may reimburse the travel and per diem expenses of workgroup
65 members employed by governmental entities as provided in s.
66 112.061, Florida Statutes. Private employers may reimburse the
67 per diem and travel expenses of workgroup members employed by
68 private employers pursuant to the employer's own travel
69 reimbursement policies.

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

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

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

83 (7) The review conducted by the workgroup under this
84 section must include:

85 (a) The identification of all state funds being expended on
86 the care of adults with mental illnesses who have legal
87 involvement with state and county courts, including funds

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88 expended on care in correctional facilities and funds expended
89 on medication, courts, attorneys, state institutions, contracts
90 with private institutions, community-based programs, Medicaid
91 services, state-funded substance abuse services, state-funded
92 mental health services, and managed care plans.

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

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

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

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

114 (f) A review of the criminal code, including penalties and
115 sentencing guidelines, and other laws pertaining to the forensic
116 mentally ill in order to assess where changes could be made that

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117 protect public safety while ensuring that the needs of the
118 mentally ill are met in a cost-effective manner, with a goal to
119 create a plan that will reduce reliance on state prisons and
120 county jails.

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

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

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

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

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

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

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

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

171 (o) A review of probation and parole requirements for
172 recommended modifications in order to assist with improving
173 community placement and community control for persons with
174 serious and persistent mental illnesses who are eligible for

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175 probation. This shall include a review of rules and policies and
176 recommendations.

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

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

191 (9) The workgroup shall make recommendations in its interim
192 and final reports regarding proposed changes to the state penal
193 code, sentencing guidelines, state mental health policy, and
194 related strategies which would improve public safety through
195 better integration of behavioral health care at all levels of
196 the criminal justice system, with a goal of reducing reliance on
197 county jails and state prisons. The workgroup shall submit an
198 interim report with findings and recommendations to the
199 President of the Senate, the Speaker of the House of
200 Representatives, and the Governor by January 5, 2010, and its
201 final report with recommendations and findings by January 5,
202 2011.

203 (10) The workgroup terminates and this section expires July

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204 1, 2011.

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