



325762

LEGISLATIVE ACTION

Senate

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House

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Floor: 1/WD/3R

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04/27/2009 04:16 PM

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Senator Wise moved the following:

**Senate Amendment (with title amendment)**

Between lines 2317 and 2318

insert:

Section 52. (1) A workgroup shall be created to review state policy and budgeting issues affecting adults with serious mental illness who also have involvement with the state criminal justice system.

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

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

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



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- 13           (c) One member appointed by the Florida Psychiatric  
14 Society.
- 15           (d) One member appointed by the Correctional Medical  
16 Authority.
- 17           (e) One member appointed by the Florida Prosecuting  
18 Attorneys Association.
- 19           (f) One member appointed by the Florida Public Defender  
20 Association.
- 21           (g) One member appointed by the Florida Association of  
22 Court Clerks.
- 23           (h) One member appointed by the Florida Assisted Living  
24 Affiliation.
- 25           (i) One member appointed by the Florida Council for  
26 Community Mental Health.
- 27           (j) One member appointed by the Department of Children and  
28 Family Services.
- 29           (k) One member appointed by the Agency for Health Care  
30 Administration.
- 31           (l) One member appointed by the Department of Corrections.
- 32           (m) One member appointed by the Florida Sheriffs  
33 Association.
- 34           (n) One member appointed by the Florida Police Benevolent  
35 Association.
- 36           (o) One member appointed by the Florida chapter of the  
37 National Alliance for the Mentally Ill.
- 38           (p) One member appointed by the Florida Hospital  
39 Association representing private receiving facilities.
- 40           (q) One member appointed by the Florida Psychological  
41 Association.



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

43 (s) One member appointed by the Speaker of the House of  
44 Representatives.

45 (t) One member appointed by the Governor.

46 (3) Members of the workgroup shall serve without  
47 compensation except that a member may request reimbursement from  
48 the member's employing entity for per diem and travel expenses  
49 as provided in s. 112.061, Florida Statutes.

50 (4) Each meeting of the workgroup shall be held in  
51 Tallahassee. The workgroup shall meet 4 times per year and may  
52 use electronic means of communication, which may include, but  
53 are not limited to, conference calls, web seminars, and video  
54 conferencing.

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

57 (6) The review conducted by the workgroup under this  
58 section must include:

59 (a) The identification of all state funds being expended on  
60 the care of adults with mental illnesses who have legal  
61 involvement with state and county courts, including funds  
62 expended on care in correctional facilities and funds expended  
63 on medication, courts, attorneys, state institutions, contracts  
64 with private institutions, community-based programs, Medicaid  
65 services, state-funded substance abuse services, state-funded  
66 mental health services, and managed care plans.

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 directed toward individuals who are at



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71 risk for court or legal involvement.

72 (c) A detailed review of data, utilization, and cost  
73 analysis for individuals who are involved with the county  
74 courts, state courts, state prisons, and state and private  
75 institutions, have been charged with misdemeanors or felonies,  
76 and have a diagnosis of serious and persistent mental illness.

77 (d) A detailed review of utilization data and costs for  
78 individuals who have traumatic brain injuries, have involvement  
79 with state courts, state prisons, county courts, or county  
80 jails, and have involvement with state-funded substance abuse  
81 and mental health services.

82 (e) A review of the cost and impact of early discharge from  
83 public crisis-stabilization units, community inpatient  
84 psychiatric hospitals, and state and private institutions that  
85 care for persons with serious and persistent mental illness and  
86 inappropriate placement into state prisons and county jails.

87 (f) A review of the Criminal Punishment Code, including  
88 penalties and sentencing guidelines, and other laws pertaining  
89 to the forensic mentally ill in order to assess where changes  
90 could be made that protect public safety while ensuring that the  
91 needs of the mentally ill are met in a cost-effective manner,  
92 with a goal to create a plan that will reduce reliance on state  
93 prisons and county jails.

94 (g) The identification of programs, practices, and  
95 innovative solutions emerging in the state that would reduce the  
96 need for incarceration, improve cost-effectiveness, help reduce  
97 the impact on the state budget, and improve public safety.

98 (h) A process for requesting and reviewing innovative  
99 proposals that would help the state optimize the use of state



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100 funding through special pilot projects, mental health courts,  
101 changes in emergency psychiatric care, new approaches to law  
102 enforcement practices and court diversion programs, and the use  
103 of modified sentencing or waivers relative to the Criminal  
104 Punishment Code.

105 (i) The development of a proposal for legislative  
106 consideration that would establish an innovative Medicaid waiver  
107 that would help support stable housing and services for  
108 individuals at risk of court-related involvement. For the  
109 purposes of this subsection, the term "at risk of court-related  
110 involvement" means having been charged with a misdemeanor or  
111 felony and diagnosed with a serious and persistent mental  
112 illness.

113 (j) A review of the effect of substance abuse on the system  
114 and methods to create integration and the use of Medicaid  
115 waivers, such as the Medicaid 1915c Home and Community-Based  
116 Waiver, to provide a more integrated approach to treating  
117 substance abuse in the community.

118 (k) The use of involuntary outpatient commitment  
119 requirements under the Baker Act and the need for changes to  
120 those requirements that would help reduce or mitigate the  
121 potential for court involvement in this process. The review  
122 shall include the use of the Florida Medication Algorithm  
123 Project and its implications for improved outcomes relative to  
124 individuals at risk of court-related involvement.

125 (l) A review of the current status of the use of electronic  
126 medical records, the need for broader use of electronic medical  
127 records for individuals at risk of court-related involvement,  
128 and the fiscal impact in terms of the savings that this type of



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129 client information system would have on reducing state  
130 expenditures and improving access to care for those considered  
131 most at risk. The workgroup may request experts in the field to  
132 make presentations and respond to questions. The workgroup shall  
133 make recommendations as provided in subsection (7).

134 (m) A review and comparison of the practices and standards  
135 used in correctional facilities to provide mental health care  
136 for individuals who are incarcerated in county jails, state  
137 prisons, or state or private state mental health forensic  
138 institutions.

139 (n) The consideration of plans and recommendations  
140 concerning appropriate methods of diverting mentally ill inmates  
141 to less restrictive and less expensive alternatives using  
142 conditional release or probation.

143 (o) A review of probation and parole requirements for  
144 recommended modifications in order to assist with improving  
145 community placement and community control for persons with  
146 serious and persistent mental illness who are eligible for  
147 probation. This shall include a review of rules and policies and  
148 recommendations.

149 (p) A review of practices associated with the discharge of  
150 individuals with a serious mental illness from correctional  
151 facilities and from state-operated and state-funded forensic  
152 mental health institutions for compliance with interagency  
153 agreements regarding placement in the community, recidivism to a  
154 jail or institutional setting, and the use of hospital emergency  
155 rooms, involuntary commitment services, and crisis stabilization  
156 units.

157 (7) The workgroup shall make recommendations in its interim



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158 and final reports regarding proposed changes to the state penal  
159 code, sentencing guidelines, state mental health policy, and  
160 related strategies that would improve public safety through  
161 better integration of behavioral health care at all levels of  
162 the criminal justice system, with a goal of reducing reliance on  
163 county jails and state prisons. The workgroup shall submit an  
164 interim report with findings and recommendations to the  
165 Governor, the President of the Senate, and the Speaker of the  
166 House of Representatives by January 5, 2010, and its final  
167 report with recommendations and findings by January 5, 2011.

168 (8) The workgroup terminates and this section expires July  
169 1, 2011.

170  
171 ===== T I T L E A M E N D M E N T =====

172 And the title is amended as follows:

173 Delete line 113

174 and insert:

175 substance abuse and mental health services; providing  
176 for the creation of a workgroup to review state policy  
177 and budgeting issues affecting adults with serious  
178 mental illness who also have involvement with the  
179 state criminal justice system; providing for  
180 membership, organization, and meetings; specifying  
181 that members serve without compensation, but may be  
182 reimbursed for expenses; specifying components of the  
183 review; providing for interim and final reports;  
184 providing for future termination of the workgroup and  
185 expiration of the provisions creating it; providing