

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Adkins offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 2317 and 2318, insert:

5 Section 52. (1) There is created a workgroup to review
6 state policy and budgeting issues affecting adults with serious
7 mental illness who also have involvement with the state criminal
8 justice system.

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

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

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

13 (c) One member appointed by the Florida Psychiatric
14 Society.

15 (d) One member appointed by the Correctional Medical
16 Authority.

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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.

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.

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45 (t) One member appointed by the Governor.

46 (3) Members of the workgroup shall serve without
47 compensation for such service. However, each member may request
48 reimbursement from the member's employing entity for per diem
49 and travel expenses 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 four times per year and
52 may use electronic means of communication, which may include,
53 but are not limited to, conference calls, web seminars, and
54 video 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
60 on 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
71 risk for court or legal involvement.

72 (c) A detailed review of data, utilization, and cost

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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
83 from 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
100 funding through special pilot projects, mental health courts,

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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 those
108 individuals defined as at risk of court-related involvement. For
109 the purposes of this subsection, the term "at risk of court-
110 related involvement" means having been charged with a
111 misdemeanor or felony and diagnosed with a serious and
112 persistent mental illness.

113 (j) A review of the effect of substance abuse on the
114 system 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. This 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
126 electronic medical records, the need for broader use of
127 electronic medical records for individuals at risk of court
128 involvement, and the fiscal impact in terms of the savings that

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129 this type of client information system would have on reducing
130 state expenditures and improving access to care for those
131 considered most at risk. The workgroup may request experts in
132 the field to make presentations and respond to questions. The
133 workgroup shall make recommendations as provided in subsection
134 (7).

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

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

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

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

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157 stabilization units.

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

169 (8) The workgroup terminates and this section expires July
170 1, 2011.

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176 **T I T L E A M E N D M E N T**

177 Remove lines 113-114 and insert:

178 substance abuse and mental health services; providing for
179 the creation of a workgroup to review state policy and
180 budgeting issues affecting adults with serious mental
181 illness who also have involvement with the state criminal
182 justice system; providing for membership, organization,
183 and meetings; specifying that members serve without
184 compensation, but may be reimbursed for expenses;

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HOUSE AMENDMENT
Bill No. CS/CS/SB 2612

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185 specifying components of the review; authorizing use of
186 outside research organizations; providing for interim and
187 final reports; providing for future termination of the
188 workgroup and expiration of the provisions creating it;
189 providing an effective date.

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