

1 A bill to be entitled
 2 An act relating to a workgroup on forensic mental health;
 3 providing for creation of a workgroup to review state
 4 policy and budgeting issues affecting adults with serious
 5 mental illness who also have involvement with the state
 6 criminal justice system; providing for administrative
 7 oversight and assistance; providing for membership,
 8 organization, and meetings; specifying that members serve
 9 at their own expense; providing for certain workgroup
 10 expenses; authorizing field trips; specifying components
 11 of the review; authorizing use of outside research
 12 organizations; providing for interim and final reports;
 13 providing for future termination of the workgroup and
 14 repeal of act; providing an effective date.

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 16 Be It Enacted by the Legislature of the State of Florida:

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 18 Section 1. (1) There is created a workgroup to review
 19 state policy and budgeting issues affecting adults with serious
 20 mental illness who also have involvement with the state criminal
 21 justice system. The Secretary of Children and Family Services,
 22 in conjunction with the Secretary of Corrections and the
 23 Secretary of Health Care Administration, shall oversee and
 24 provide staff and other administrative assistance to the
 25 workgroup.

26 (2) The workgroup shall consist of the following members:
 27 two members from the Department of Children and Family Services;
 28 two members from the Agency for Health Care Administration; two

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29 members from the Department of Corrections; one member from the
30 Florida Sheriffs Association; two members from the Florida
31 Prosecuting Attorneys Association, one of whom shall be a state
32 attorney; two members from the Florida Public Defender
33 Association, one of whom shall be a public defender; one member
34 from the Florida Council for Community Mental Health; one member
35 from the Florida Psychiatric Society; one member from the
36 Florida Assisted Living Affiliation; one member appointed by the
37 director of the Office of Program Policy Analysis and Government
38 Accountability; one member appointed by the Chief Justice of the
39 Florida Supreme Court; one member from NAMI Florida; one member
40 from Florida Legal Services, Inc.; two members appointed by the
41 Speaker of the House of Representatives; two members appointed
42 by the Senate President; and two members appointed by the
43 Governor.

44 (3) (a) Members of the workgroup shall serve without
45 compensation for such service. Any member of the workgroup who
46 is a public employee is entitled to reimbursement for per diem
47 and travel expenses as provided in s. 112.061.

48 (b) Expenses of the workgroup, other than member travel
49 expenses, shall be paid from funds appropriated to the
50 Department of Children and Family Services, the Department of
51 Corrections, and the Agency for Health Care Administration for
52 that purpose.

53 (4) (a) The workgroup shall organize and conduct its
54 meetings in accordance with Robert's Rules of Order.

55 (b) The chairperson may appoint subcommittees. The
56 workgroup or a subcommittee may conduct field trips of state
57 facilities at the expense of its members.

58 (5) The review conducted by the workgroup under this
59 section shall include:

60 (a) The identification of all state funds being expended
61 on the care of adults with mental illnesses who have legal
62 involvement with state and county courts, including funds
63 expended on care in any correctional facility and funds expended
64 on medication, courts, attorneys, state institutions, community-
65 based programs, and Medicaid services.

66 (b) A detailed examination of community-based service
67 delivery systems, including utilization issues, housing issues,
68 psychiatric emergency crisis response outcomes, effective
69 practices, and programs targeting individuals at risk for court
70 or legal involvement.

71 (c) A review of the data and recommendations of the
72 research on factors and trends impacting the use of jails,
73 prisons, and forensic mental health care to manage the needs of
74 adults with mental illness.

75 (d) A review of the criminal code, including penalties and
76 sentencing guidelines, and other laws pertaining to the forensic
77 mentally ill to assess where changes could be made to protect
78 public safety while ensuring that the needs of the mentally ill
79 are met in a cost-effective manner, including eliminating the
80 use of prisons as a means of caring for these individuals and
81 facilitating state budget transfers between criminal justice and
82 behavioral health allocations.

83 (e) With the assistance of the Supreme Court's Mental
84 Health Subcommittee of the Steering Committee on Families and
85 Children in the Court, the identification of programs,
86 practices, and innovative solutions emerging in the state that
87 would reduce the need for incarceration, improve cost-
88 effectiveness, and help reduce the impact on the state budget
89 and improve public safety.

90 (f) The consideration of innovative proposals that would
91 help the state optimize the use of state funding by examining
92 the use of special pilot projects, mental health courts, changes
93 in emergency psychiatric care, new approaches to law enforcement
94 practices and court diversion programs, and the use of modified
95 sentencing or waivers relative to the criminal code and local
96 state attorneys.

97 (g) A review of the impact that substance abuse issues
98 have on the system and methods to create integration and use
99 Medicaid waivers like the Medicaid 1915c Home and Community-
100 Based Waiver to provide a more integrated approach to treating
101 substance abuse in the community.

102 (h) The consideration of proposals to use both community
103 and institutional funding to help construct a system that will
104 ensure public safety, reduce state costs, and provide more
105 effective outcomes.

106 (i) The use of the involuntary outpatient commitment
107 requirements under the Baker Act and the need for changes to
108 those requirements that would help reduce or mitigate the
109 potential for court involvement in this process. This review
110 shall include the use of the Florida Medication Algorithm

111 Project and its implications for improved outcomes relative to
112 individuals at risk for court-related involvement.

113 (j) The current status of the use of electronic medical
114 records, the need for broader use of electronic medical records
115 for individuals at risk of court involvement, and the fiscal
116 impact in terms of savings this type of client information
117 system would have on reducing state expenditures and improving
118 access to care for those considered most at risk.

119 (6) The Department of Children and Family Services, the
120 Department of Corrections, and the Agency for Health Care
121 Administration may use outside research organizations,
122 including, but not limited to, the Office of Program Policy
123 Analysis and Government Accountability, to help collect
124 information for the workgroup to use in assessing the factors
125 contributing to the rise in the numbers of adults with serious
126 mental illness in the criminal justice system.

127 (7) The workgroup shall make recommendations in its
128 interim and final reports regarding proposed changes to state
129 policy and procedures that would improve public safety through
130 better integration of behavioral health care at all levels of
131 the criminal justice system, including any specific
132 recommendations for legislation. The workgroup shall submit an
133 interim report with findings and recommendations to the
134 President of the Senate, the Speaker of the House of
135 representatives, and Governor no later than January 5, 2010, and
136 its final report with recommendations and findings by January 5,
137 2011.

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138 | (8) The workgroup terminates and this section expires July
139 | 1, 2011.

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