

1                                   A bill to be entitled  
 2           An act relating to forensic mental health policy; amending  
 3           s. 394.655, F.S.; deleting provisions establishing a  
 4           Criminal Justice, Mental Health, and Substance Abuse  
 5           Policy Council within the Florida Substance Abuse and  
 6           Mental Health Corporation; providing for creation of a  
 7           workgroup to review state policy and budgeting issues  
 8           affecting adults with serious mental illness who also have  
 9           involvement with the state criminal justice system;  
 10          providing for administrative oversight and assistance;  
 11          providing for membership, organization, and meetings;  
 12          specifying that members serve at their own expense;  
 13          providing for certain workgroup expenses; specifying  
 14          components of the review; authorizing use of outside  
 15          research organizations; providing for interim and final  
 16          reports; providing for future termination of the workgroup  
 17          and repeal of the provisions creating it; providing an  
 18          effective date.

19  
 20 Be It Enacted by the Legislature of the State of Florida:

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 22           Section 1. Subsections (11) and (12) of section 394.655,  
 23 Florida Statutes, are amended to read:

24           394.655 The Substance Abuse and Mental Health Corporation;  
 25 powers and duties; composition; evaluation and reporting  
 26 requirements.--

27           ~~(11) (a) There is established a Criminal Justice, Mental~~  
 28 ~~Health, and Substance Abuse Policy Council within the Florida~~

29 ~~Substance Abuse and Mental Health Corporation. The members of~~  
 30 ~~the council are:~~

- 31 ~~1. The chairperson of the corporation;~~
- 32 ~~2. The Secretary of Children and Family Services;~~
- 33 ~~3. The Secretary of Corrections;~~
- 34 ~~4. The Secretary of Health Care Administration;~~
- 35 ~~5. The Secretary of Juvenile Justice;~~
- 36 ~~6. The Secretary of Elderly Affairs; and~~
- 37 ~~7. The State Courts Administrator.~~

38 ~~(b) The purpose of the council shall be to align policy~~  
 39 ~~initiatives in the criminal justice, juvenile justice, and~~  
 40 ~~mental health systems to ensure the most effective use of~~  
 41 ~~resources and to coordinate the development of legislative~~  
 42 ~~proposals and budget requests relating to the shared needs of~~  
 43 ~~adults and juveniles who have a mental illness, substance abuse~~  
 44 ~~disorder, or co-occurring mental health and substance abuse~~  
 45 ~~disorders who are in, or at risk of entering, the criminal~~  
 46 ~~justice system.~~

47 ~~(c) The council shall work in conjunction with counties~~  
 48 ~~that have been awarded a Criminal Justice, Mental Health, and~~  
 49 ~~Substance Abuse Reinvestment grant to ensure that effective~~  
 50 ~~strategies identified by those counties are disseminated~~  
 51 ~~statewide and to establish a dialogue for purposes of policy and~~  
 52 ~~budget development and system change and improvement. The~~  
 53 ~~council shall coordinate its efforts with the Criminal Justice,~~  
 54 ~~Mental Health, and Substance Abuse Technical Assistance Center.~~

55 ~~(d) Each member agency of the council shall designate an~~  
 56 ~~agency liaison to assist in the work of the council.~~

57 (11)~~(12)~~ This section expires on October 1, 2011, unless  
 58 reviewed and reenacted by the Legislature before that date.

59 Section 2. (1) There is created a workgroup to review  
 60 state policy and budgeting issues affecting adults with serious  
 61 mental illness who also have involvement with the state criminal  
 62 justice system. The Secretary of Children and Family Services,  
 63 in conjunction with the Secretary of Corrections and the  
 64 Secretary of Health Care Administration, shall oversee and  
 65 provide staff and other administrative assistance to the  
 66 workgroup within funds appropriated.

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

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

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

71 (c) One member appointed by the Florida Psychiatric  
 72 Society.

73 (d) One member appointed by the Correctional Medical  
 74 Authority.

75 (e) One member appointed by the Florida Prosecuting  
 76 Attorneys Association.

77 (f) One member appointed by the Florida Public Defender  
 78 Association.

79 (g) One member appointed by the Florida Association of  
 80 Court Clerks.

81 (h) One member appointed by the Florida Assisted Living  
 82 Affiliation.

83 (i) One member appointed by the Florida Council for  
 84 Community Mental Health.

85 (j) One member appointed by the Department of Children and  
 86 Family Services.

87 (k) One member appointed by the Agency for Health Care  
 88 Administration.

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

90 (m) One member appointed by the Florida Sheriffs  
 91 Association.

92 (n) One member appointed by the Florida Police Benevolent  
 93 Association.

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

96 (p) One member appointed by the director of the Office of  
 97 Program Policy Analysis and Government Accountability.

98 (q) One member appointed by the President of the Senate.

99 (r) One member appointed by the Speaker of the House of  
 100 Representatives.

101 (s) One member appointed by the Governor.

102 (3) (a) Members of the workgroup shall serve without  
 103 compensation for such service. Any member of the workgroup who  
 104 is a public employee is entitled to reimbursement for per diem  
 105 and travel expenses as provided in s. 112.061, Florida Statutes.

106 (b) Expenses of the workgroup, other than member travel  
 107 expenses, shall be paid from funds appropriated to the  
 108 Department of Children and Family Services, the Department of  
 109 Corrections, and the Agency for Health Care Administration.

110 (c) Each meeting of the workgroup shall be held in  
 111 Tallahassee at the offices of the Department of Children and  
 112 Family Services. The workgroup shall meet four times per year

113 and may use electronic means of communication for members unable  
114 to attend, which may include, but are not limited to, conference  
115 calls, webinars, and video conferencing.

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

118 (b) The workgroup is authorized to request the Louis de la  
119 Parte Florida Mental Health Institute at the University of South  
120 Florida under its contract with the Department of Children and  
121 Family Services to conduct research or analysis of data projects  
122 identified by the chair and the members.

123 (5) The review conducted by the workgroup under this  
124 section shall include:

125 (a) The identification of all state funds being expended  
126 on the care of adults with mental illnesses who have legal  
127 involvement with state and county courts, including funds  
128 expended on care in any correctional facility and funds expended  
129 on medication, courts, attorneys, state institutions, contracts  
130 with private institutions, community-based programs, Medicaid  
131 services, state-funded substance abuse services, state-funded  
132 mental health services, and managed care plans.

133 (b) A detailed examination of community-based service  
134 delivery systems, including utilization issues, housing issues,  
135 psychiatric emergency crisis response outcomes, effective  
136 practices, and programs targeting individuals at risk for court  
137 or legal involvement.

138 (c) A detailed review of data, utilization, and cost  
139 analysis for individuals involved with the county courts, state  
140 courts, state prisons, and state and private institutions who

141 have been charged with misdemeanors or felonies and who have a  
142 diagnosis of serious and persistent mental illness.

143 (d) A detailed review of utilization data and costs for  
144 individuals with traumatic brain injuries who have involvement  
145 with state courts, state prisons, county courts, or county jails  
146 and who have involvement with state-funded substance abuse and  
147 mental health services.

148 (e) A review of the role and costs of early discharge and  
149 inappropriate placement on the use of state prisons and county  
150 jails from public crisis stabilization units, community  
151 inpatient psychiatric hospitals, and state and private  
152 institutions that care for persons with serious and persistent  
153 mental illness.

154 (f) A review of the criminal code, including penalties and  
155 sentencing guidelines, and other laws pertaining to the forensic  
156 mentally ill to assess where changes could be made to protect  
157 public safety while ensuring that the needs of the mentally ill  
158 are met in a cost-effective manner, with a goal to create a plan  
159 that will reduce reliance on state prisons and county jails.

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

164 (h) A process for requesting and reviewing innovative  
165 proposals that would help the state optimize the use of state  
166 funding by examining the use of special pilot projects, mental  
167 health courts, changes in emergency psychiatric care, new  
168 approaches to law enforcement practices and court diversion

169 programs, and the use of modified sentencing or waivers relative  
170 to the criminal code.

171 (i) The development, in conjunction with the Agency for  
172 Health Care Administration, of a proposal for legislative  
173 consideration that would establish an innovative Medicaid waiver  
174 that would help support stable housing and services for those  
175 individuals defined as at risk of court-related involvement. For  
176 the purposes of this subsection, the term "at risk of court-  
177 related involvement" means a person who has been charged with a  
178 misdemeanor or felony and diagnosed with a serious and  
179 persistent mental illness.

180 (j) A review of the impact of substance abuse on the  
181 system and methods to create integration and the use of Medicaid  
182 waivers like the Medicaid 1915c Home and Community-Based Waiver  
183 to provide a more integrated approach to treating substance  
184 abuse in the community.

185 (k) The use of the involuntary outpatient commitment  
186 requirements under the Baker Act and the need for changes to  
187 those requirements that would help reduce or mitigate the  
188 potential for court involvement in this process. This review  
189 shall include the use of the Florida Medication Algorithm  
190 Project and its implications for improved outcomes relative to  
191 individuals at risk of court-related involvement.

192 (l) A review of the current status of the use of  
193 electronic medical records, the need for broader use of  
194 electronic medical records for individuals at risk of court  
195 involvement, and the fiscal impact in terms of the savings this  
196 type of client information system would have on reducing state

197 expenditures and improving access to care for those considered  
198 most at risk. The workgroup may request experts in the field to  
199 make presentation and respond to questions. The workgroup shall  
200 make recommendations in response as provided in subsection (7).

201 (m) A review and comparison of the practices and standards  
202 used in correctional facilities in providing mental health care  
203 for individuals who are incarcerated in county jails, state  
204 prisons, or state or private state mental health forensic  
205 institutions.

206 (n) The consideration of plans and recommendations  
207 concerning appropriate methods of diverting mentally ill inmates  
208 to less restrictive and less expensive alternatives using  
209 conditional release or probation.

210 (o) A review of probation and parole requirements for  
211 recommended modifications to assist with improving community  
212 placement and community control for persons with serious and  
213 persistent mental illnesses who are eligible for probation. This  
214 shall include a review of rules and policies and  
215 recommendations.

216 (p) A review of practices associated with the discharge of  
217 individuals with a serious mental illness from the Department of  
218 Corrections and from state-operated and state-funded forensic  
219 mental health institutions for compliance with interagency  
220 agreements regarding placement in the community, recidivism to a  
221 jail or institutional setting, and utilization of hospital  
222 emergency rooms, involuntary commitment services, and crisis  
223 stabilization units.

224 (6) The Department of Children and Family Services, the



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225 Department of Corrections, and the Agency for Health Care  
226 Administration may use outside research organizations,  
227 including, but not limited to, the Office of Program Policy  
228 Analysis and Government Accountability, to help collect  
229 information for the workgroup to use in assessing the factors  
230 contributing to the rise in the numbers of adults with serious  
231 mental illness in the criminal justice system.

232 (7) The workgroup shall make recommendations in its  
233 interim and final reports regarding proposed changes to the  
234 state penal code, sentencing guidelines, state mental health  
235 policy, and related strategies that would improve public safety  
236 through better integration of behavioral health care at all  
237 levels of the criminal justice system, with a goal of reducing  
238 reliance on county jails and state prisons. The workgroup shall  
239 submit an interim report with findings and recommendations to  
240 the President of the Senate, the Speaker of the House of  
241 Representatives, and the Governor no later than January 5, 2010,  
242 and its final report with recommendations and findings by  
243 January 5, 2011.

244 (8) The workgroup terminates and this section expires July  
245 1, 2011.

246 Section 3. This act shall take effect July 1, 2009.