

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:

21  
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 under the American Recovery  
67 and Reinvestment Act of 2009.

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

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

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

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

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

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

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

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

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

84 (i) One member appointed by the Florida Council for

85 Community Mental Health.

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

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

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

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

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

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

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

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

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

102 (s) One member appointed by the Governor.

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

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

111 (c) Each meeting of the workgroup shall be held in  
 112 Tallahassee at the offices of the Department of Children and

113 Family Services. The workgroup shall meet four times per year  
114 and may use electronic means of communication for members unable  
115 to attend, which may include, but are not limited to, conference  
116 calls, webinars, and video conferencing.

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

119 (b) The workgroup is authorized to request the Louis de la  
120 Parte Florida Mental Health Institute at the University of South  
121 Florida to conduct research or analysis of data projects  
122 identified by the chair and the members, within existing  
123 contractual agreements with the Department of Children and  
124 Family Services.

125 (5) The review conducted by the workgroup under this  
126 section shall include:

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

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

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

141 analysis for individuals involved with the county courts, state  
142 courts, state prisons, and state and private institutions who  
143 have been charged with misdemeanors or felonies and who have a  
144 diagnosis of serious and persistent mental illness.

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

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

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

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

166 (h) A process for requesting and reviewing innovative  
167 proposals that would help the state optimize the use of state  
168 funding by examining the use of special pilot projects, mental

169 health courts, changes in emergency psychiatric care, new  
170 approaches to law enforcement practices and court diversion  
171 programs, and the use of modified sentencing or waivers relative  
172 to the criminal code.

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

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

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

194 (l) A review of the current status of the use of  
195 electronic medical records, the need for broader use of  
196 electronic medical records for individuals at risk of court

197 involvement, and the fiscal impact in terms of the savings this  
198 type of client information system would have on reducing state  
199 expenditures and improving access to care for those considered  
200 most at risk. The workgroup may request experts in the field to  
201 make presentation and respond to questions. The workgroup shall  
202 make recommendations in response as provided in subsection (7).

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

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

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

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



225 stabilization units.

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

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

246 (8) The workgroup terminates and this section expires July  
247 1, 2011.

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