

1                                   A bill to be entitled  
 2           An act relating to forensic mental health policy;  
 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; specifying components of the review; authorizing  
 11          use of outside research organizations; providing for  
 12          interim and final reports; providing for future  
 13          termination of the workgroup and repeal of the provisions  
 14          creating it; 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 within funds appropriated under the American Recovery  
 26 and Reinvestment Act of 2009.

27           (2) The workgroup shall consist of the following members:  
 28           (a) One member from the Substance Abuse and Mental Health

- 29 | Corporation.
- 30 |       (b) One member appointed by Florida Legal Services, Inc.
- 31 |       (c) One member appointed by the Florida Psychiatric
- 32 | Society.
- 33 |       (d) One member appointed by the Correctional Medical
- 34 | Authority.
- 35 |       (e) One member appointed by the Florida Prosecuting
- 36 | Attorneys Association.
- 37 |       (f) One member appointed by the Florida Public Defender
- 38 | Association.
- 39 |       (g) One member appointed by the Florida Association of
- 40 | Court Clerks.
- 41 |       (h) One member appointed by the Florida Assisted Living
- 42 | Affiliation.
- 43 |       (i) One member appointed by the Florida Council for
- 44 | Community Mental Health.
- 45 |       (j) One member appointed by the Department of Children and
- 46 | Family Services.
- 47 |       (k) One member appointed by the Agency for Health Care
- 48 | Administration.
- 49 |       (l) One member appointed by the Department of Corrections.
- 50 |       (m) One member appointed by the Florida Sheriffs
- 51 | Association.
- 52 |       (n) One member appointed by the Florida Police Benevolent
- 53 | Association.
- 54 |       (o) One member appointed by the Florida chapter of the
- 55 | National Alliance for the Mentally Ill.
- 56 |       (p) One member appointed by the Florida Hospital

- 57 Association representing private receiving facilities.
- 58 (q) One member appointed by the President of the Senate.
- 59 (r) One member appointed by the Speaker of the House of  
60 Representatives.
- 61 (s) One member appointed by the Governor.
- 62 (3) (a) Members of the workgroup shall serve without  
63 compensation for such service. Any member of the workgroup who  
64 is a public employee is entitled to reimbursement for per diem  
65 and travel expenses as provided in s. 112.061, Florida Statutes.
- 66 (b) Expenses of the workgroup, other than member travel  
67 expenses, shall be paid from funds appropriated to the  
68 Department of Children and Family Services, the Department of  
69 Corrections, and the Agency for Health Care Administration.
- 70 (c) Each meeting of the workgroup shall be held in  
71 Tallahassee at the offices of the Department of Children and  
72 Family Services. The workgroup shall meet four times per year  
73 and may use electronic means of communication for members unable  
74 to attend, which may include, but are not limited to, conference  
75 calls, webinars, and video conferencing.
- 76 (4) (a) The workgroup shall organize and conduct its  
77 meetings in accordance with Robert's Rules of Order.
- 78 (b) The workgroup is authorized to request the Louis de la  
79 Parte Florida Mental Health Institute at the University of South  
80 Florida to conduct research or analysis of data projects  
81 identified by the chair and the members, within existing  
82 contractual agreements with the Department of Children and  
83 Family Services.
- 84 (5) The review conducted by the workgroup under this

85 section shall include:

86 (a) The identification of all state funds being expended  
87 on the care of adults with mental illnesses who have legal  
88 involvement with state and county courts, including funds  
89 expended on care in any correctional facility and funds expended  
90 on medication, courts, attorneys, state institutions, contracts  
91 with private institutions, community-based programs, Medicaid  
92 services, state-funded substance abuse services, state-funded  
93 mental health services, and managed care plans.

94 (b) A detailed examination of community-based service  
95 delivery systems, including utilization issues, housing issues,  
96 psychiatric emergency crisis response outcomes, effective  
97 practices, and programs targeting individuals at risk for court  
98 or legal involvement.

99 (c) A detailed review of data, utilization, and cost  
100 analysis for individuals involved with the county courts, state  
101 courts, state prisons, and state and private institutions who  
102 have been charged with misdemeanors or felonies and who have a  
103 diagnosis of serious and persistent mental illness.

104 (d) A detailed review of utilization data and costs for  
105 individuals with traumatic brain injuries who have involvement  
106 with state courts, state prisons, county courts, or county jails  
107 and who have involvement with state-funded substance abuse and  
108 mental health services.

109 (e) A review of the role and costs of early discharge and  
110 inappropriate placement on the use of state prisons and county  
111 jails from public crisis stabilization units, community  
112 inpatient psychiatric hospitals, and state and private

113 institutions that care for persons with serious and persistent  
114 mental illness.

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

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

125 (h) A process for requesting and reviewing innovative  
126 proposals that would help the state optimize the use of state  
127 funding by examining the use of special pilot projects, mental  
128 health courts, changes in emergency psychiatric care, new  
129 approaches to law enforcement practices and court diversion  
130 programs, and the use of modified sentencing or waivers relative  
131 to the criminal code.

132 (i) The development, in conjunction with the Agency for  
133 Health Care Administration, of a proposal for legislative  
134 consideration that would establish an innovative Medicaid waiver  
135 that would help support stable housing and services for those  
136 individuals defined as at risk of court-related involvement. For  
137 the purposes of this subsection, the term "at risk of court-  
138 related involvement" means a person who has been charged with a  
139 misdemeanor or felony and diagnosed with a serious and  
140 persistent mental illness.

141 (j) A review of the impact of substance abuse on the  
142 system and methods to create integration and the use of Medicaid  
143 waivers like the Medicaid 1915c Home and Community-Based Waiver  
144 to provide a more integrated approach to treating substance  
145 abuse in the community.

146 (k) The use of the involuntary outpatient commitment  
147 requirements under the Baker Act and the need for changes to  
148 those requirements that would help reduce or mitigate the  
149 potential for court involvement in this process. This review  
150 shall include the use of the Florida Medication Algorithm  
151 Project and its implications for improved outcomes relative to  
152 individuals at risk of court-related involvement.

153 (l) A review of the current status of the use of  
154 electronic medical records, the need for broader use of  
155 electronic medical records for individuals at risk of court  
156 involvement, and the fiscal impact in terms of the savings this  
157 type of client information system would have on reducing state  
158 expenditures and improving access to care for those considered  
159 most at risk. The workgroup may request experts in the field to  
160 make presentation and respond to questions. The workgroup shall  
161 make recommendations in response as provided in subsection (7).

162 (m) A review and comparison of the practices and standards  
163 used in correctional facilities in providing mental health care  
164 for individuals who are incarcerated in county jails, state  
165 prisons, or state or private state mental health forensic  
166 institutions.

167 (n) The consideration of plans and recommendations  
168 concerning appropriate methods of diverting mentally ill inmates

169 to less restrictive and less expensive alternatives using  
170 conditional release or probation.

171 (o) A review of probation and parole requirements for  
172 recommended modifications to assist with improving community  
173 placement and community control for persons with serious and  
174 persistent mental illnesses who are eligible for probation. This  
175 shall include a review of rules and policies and  
176 recommendations.

177 (p) A review of practices associated with the discharge of  
178 individuals with a serious mental illness from the Department of  
179 Corrections and from state-operated and state-funded forensic  
180 mental health institutions for compliance with interagency  
181 agreements regarding placement in the community, recidivism to a  
182 jail or institutional setting, and utilization of hospital  
183 emergency rooms, involuntary commitment services, and crisis  
184 stabilization units.

185 (6) The Department of Children and Family Services, the  
186 Department of Corrections, and the Agency for Health Care  
187 Administration may use outside research organizations to help  
188 collect information for the workgroup to use in assessing the  
189 factors contributing to the rise in the numbers of adults with  
190 serious mental illness in the criminal justice system.

191 (7) The workgroup shall make recommendations in its  
192 interim and final reports regarding proposed changes to the  
193 state penal code, sentencing guidelines, state mental health  
194 policy, and related strategies that would improve public safety  
195 through better integration of behavioral health care at all  
196 levels of the criminal justice system, with a goal of reducing

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197 reliance on county jails and state prisons. The workgroup shall  
198 submit an interim report with findings and recommendations to  
199 the President of the Senate, the Speaker of the House of  
200 Representatives, and the Governor no later than January 5, 2010,  
201 and its final report with recommendations and findings by  
202 January 5, 2011.

203 (8) The workgroup terminates and this section expires July  
204 1, 2011.

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