

1                   A bill to be entitled  
 2           An act relating to forensic mental health policy;  
 3           providing for the 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           assistance; providing for membership, organization, and  
 8           meetings; specifying that members serve without  
 9           compensation, but may be reimbursed for expenses;  
 10          specifying components of the review; authorizing use of  
 11          outside research organizations; providing for interim and  
 12          final reports; providing for future termination of the  
 13          workgroup and expiration of the provisions creating it;  
 14          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 Corrections and the Secretary  
 22 of Health Care Administration shall provide staff and other  
 23 administrative assistance to the workgroup.

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

25           (a) One member from the Substance Abuse and Mental Health  
 26 Corporation.

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

28           (c) One member appointed by the Florida Psychiatric

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

57 (r) One member appointed by the President of the Senate.

58 (s) One member appointed by the Speaker of the House of  
59 Representatives.

60 (t) One member appointed by the Governor.

61 (3) Members of the workgroup shall serve without  
62 compensation for such service. However, each member may request  
63 reimbursement from the member's employing entity for per diem  
64 and travel expenses as provided in s. 112.061, Florida Statutes.

65 (4) Each meeting of the workgroup shall be held in  
66 Tallahassee at the offices of the Department of Children and  
67 Family Services. The workgroup shall meet four times per year  
68 and may use electronic means of communication, which may  
69 include, but are not limited to, conference calls, webinars, and  
70 video conferencing.

71 (5) The workgroup shall organize and conduct its meetings  
72 in accordance with Robert's Rules of Order.

73 (6) The workgroup may request the Louis de la Parte  
74 Florida Mental Health Institute at the University of South  
75 Florida to conduct research or analysis of data projects  
76 identified by the chair and the members, within existing  
77 contractual agreements with the Department of Children and  
78 Family Services.

79 (7) The review conducted by the workgroup under this  
80 section must include:

81 (a) The identification of all state funds being expended  
82 on the care of adults with mental illnesses who have legal  
83 involvement with state and county courts, including funds  
84 expended on care in correctional facilities and funds expended

85 on medication, courts, attorneys, state institutions, contracts  
86 with private institutions, community-based programs, Medicaid  
87 services, state-funded substance abuse services, state-funded  
88 mental health services, and managed care plans.

89 (b) A detailed examination of community-based service  
90 delivery systems, including utilization issues, housing issues,  
91 psychiatric emergency crisis response outcomes, effective  
92 practices, and programs directed toward individuals who are at  
93 risk for court or legal involvement.

94 (c) A detailed review of data, utilization, and cost  
95 analysis for individuals who are involved with the county  
96 courts, state courts, state prisons, and state and private  
97 institutions, have been charged with misdemeanors or felonies,  
98 and have a diagnosis of serious and persistent mental illness.

99 (d) A detailed review of utilization data and costs for  
100 individuals who have traumatic brain injuries, have involvement  
101 with state courts, state prisons, county courts, or county  
102 jails, and have involvement with state-funded substance abuse  
103 and mental health services.

104 (e) A review of the role and costs of early discharge and  
105 inappropriate placement on the use of state prisons and county  
106 jails from public crisis-stabilization units, community  
107 inpatient psychiatric hospitals, and state and private  
108 institutions that care for persons with serious and persistent  
109 mental illness.

110 (f) A review of the criminal code, including penalties and  
111 sentencing guidelines, and other laws pertaining to the forensic  
112 mentally ill in order to assess where changes could be made that

113 protect public safety while ensuring that the needs of the  
114 mentally ill are met in a cost-effective manner, with a goal to  
115 create a plan that will reduce reliance on state prisons and  
116 county jails.

117 (g) The identification of programs, practices, and  
118 innovative solutions emerging in the state which would reduce  
119 the need for incarceration, improve cost-effectiveness, and help  
120 reduce the impact on the state budget and improve public safety.

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

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

137 (j) A review of the effect of substance abuse on the  
138 system and methods to create integration and the use of Medicaid  
139 waivers, such as the Medicaid 1915c Home and Community-Based  
140 Waiver, to provide a more integrated approach to treating

141 substance abuse in the community.

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

149 (l) A review of the current status of the use of  
150 electronic medical records, the need for broader use of  
151 electronic medical records for individuals at risk of court  
152 involvement, and the fiscal impact in terms of the savings that  
153 this type of client information system would have on reducing  
154 state expenditures and improving access to care for those  
155 considered most at risk. The workgroup may request experts in  
156 the field to make presentations and respond to questions. The  
157 workgroup shall make recommendations as provided in subsection  
158 (9).

159 (m) A review and comparison of the practices and standards  
160 used in correctional facilities to provide mental health care  
161 for individuals who are incarcerated in county jails, state  
162 prisons, or state or private state mental health forensic  
163 institutions.

164 (n) The consideration of plans and recommendations  
165 concerning appropriate methods of diverting mentally ill inmates  
166 to less restrictive and less expensive alternatives using  
167 conditional release or probation.

168 (o) A review of probation and parole requirements for

169 recommended modifications in order to assist with improving  
170 community placement and community control for persons with  
171 serious and persistent mental illnesses who are eligible for  
172 probation. This shall include a review of rules and policies and  
173 recommendations.

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

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

188 (9) The workgroup shall make recommendations in its  
189 interim and final reports regarding proposed changes to the  
190 state penal code, sentencing guidelines, state mental health  
191 policy, and related strategies which would improve public safety  
192 through better integration of behavioral health care at all  
193 levels of the criminal justice system, with a goal of reducing  
194 reliance on county jails and state prisons. The workgroup shall  
195 submit an interim report with findings and recommendations to  
196 the President of the Senate, the Speaker of the House of

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197 Representatives, and the Governor by January 5, 2010, and its  
198 final report with recommendations and findings by January 5,  
199 2011.

200 (10) The workgroup terminates and this section expires  
201 July 1, 2011.

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