

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

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BILL: SB 1094  
INTRODUCER: Senator Gainer  
SUBJECT: Forensic Hospital Diversion Pilot Program  
DATE: March 20, 2017      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Crosier	Hendon	CF	<b>Favorable</b>
2.			JU	
3.			AP	

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**I. Summary:**

SB 1094 authorizes the Department of Children and Families to implement a Forensic Hospital Diversion Pilot Program in Okaloosa County in conjunction with the First Judicial Circuit in Okaloosa County. The purpose of the program is to provide competency-restoration and community-reintegration services in either a locked residential treatment facility when appropriate or a community-based facility based on consideration of public safety, the needs of the individual, and available resources.<sup>1</sup>

The bill has an effective date and will have a fiscal impact on the state courts and the Department of Children and Families.

**II. Present Situation:**

The Miami-Dade Forensic Alternative Center (MDFAC) opened in 2009 as a community-based, forensic commitment program. The MDFAC provides competency restoration and a continuum of care during commitment and after reentry into the community.<sup>2</sup>

In 2016, the Legislature created the Forensic Hospital Diversion Pilot Program to serve offenders who have mental illnesses or co-occurring mental illnesses and substance use disorders and who are involved in or at risk of entering state forensic mental health treatment facilities, prisons, jails, or state civil mental health treatment facilities.<sup>3</sup>

The Department of Children and Families (DCF) was authorized to implement a Forensic Hospital Diversion Pilot Program in Duval County, in conjunction with the Fourth Judicial Circuit in Duval County; in Broward County, in conjunction with the Seventeenth Judicial

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<sup>1</sup> Section 916.185(3), F.S.

<sup>2</sup> Budget Subcommittee on Health and Human Services Appropriations, The Florida Senate, *Interim Report 2012-18, The Forensic Mental Health System* (September 2011).

<sup>3</sup> Section 916.185(1), F.S.

Circuit in Broward County; and in Miami-Dade County, in conjunction with the Eleventh Judicial Circuit in Miami-Dade County.<sup>4</sup> Participation in the pilot program is limited to offenders who:

- Are 18 years of age or older.
- Are charged with a felony of the second degree or a felony of the third degree.
- Do not have a significant history of violent criminal offenses.
- Are adjudicated incompetent to proceed to trial or not guilty by reason of insanity.
- Meet public safety and treatment criteria established by the department for placement in a community setting.
- Otherwise would be admitted to a state mental health treatment facility.<sup>5</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 916.185, F.S., to authorize DCF to implement a Forensic Hospital Diversion Pilot Program, modeled after the Miami-Dade Forensic Alternative Center and taking into account local needs and resources, in Okaloosa County, in conjunction with the First Judicial Circuit in Okaloosa County, Florida.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

### V. Fiscal Impact Statement:

#### A. Tax/Fee Issues:

None.

#### B. Private Sector Impact:

None.

#### C. Government Sector Impact:

Costs savings may be realized by implementation of the forensic hospital diversion pilot project. The program may keep individuals in the program whose competency has been

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<sup>4</sup> Section 916.185(3)(a), F.S.

<sup>5</sup> Section 916.185(4), F.S.

restored rather than in jail while awaiting trial. This may shorten the process, as defendants are less likely to decompensate, or lose competency again from the stress and the less-than-optimal treatment provided in a jail setting. Competency is restored more quickly through the program, which requires 103 days on average than at state facilities, which requires 146 days on average.

Typically, there is a cost associated with the implementation of a forensic hospital diversion pilot project. The department has not provided an analysis of the estimated cost of the implementation of a pilot program in Okaloosa County. However, in 2015 when the Legislature authorized the department to implement four pilot programs the department estimated the implementation cost of each pilot project to be \$1,596,000.<sup>6</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 916.185, Florida Statutes:

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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<sup>6</sup> 2015 Agency Legislative Bill Analysis, Department of Children and Families, dated March 30, 2015, and on file with the Senate Committee on Children, Families and Elder Affairs.