

By Senator Montford

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1 A bill to be entitled
2 An act relating to substance abuse and mental health;
3 amending s. 394.455, F.S.; revising the definition of
4 "mental illness"; amending s. 394.495, F.S.; revising
5 the counties that a community action treatment team
6 must serve; amending s. 394.656, F.S.; renaming the
7 Criminal Justice, Mental Health, and Substance Abuse
8 Statewide Grant Review Committee as the Criminal
9 Justice, Mental Health, and Substance Abuse Statewide
10 Grant Advisory Committee; revising membership of the
11 committee; revising the committee's duties and
12 requirements; revising the entities that may apply for
13 certain grants; revising the eligibility requirements
14 for the grants; revising the selection process for
15 grant recipients; amending s. 394.657, F.S.;
16 conforming provisions to changes made by the act;
17 amending s. 394.658, F.S.; revising requirements of
18 the Criminal Justice, Mental Health, and Substance
19 Abuse Reinvestment Grant Program; amending s. 394.674,
20 F.S.; revising eligibility requirements for certain
21 substance abuse and mental health services; providing
22 priority for specified individuals; amending s.
23 394.908, F.S.; revising the definition of the term
24 "individuals in need"; revising requirements for
25 substance abuse and mental health funding equity;
26 amending s. 397.321, F.S.; deleting a provision
27 requiring the Department of Children and Families to
28 develop a certification process for community
29 substance abuse prevention coalitions; amending s.

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30 397.99, F.S.; revising administration requirements for
31 the school substance abuse prevention partnership
32 grant program; revising application procedures and
33 funding requirements for the program; revising
34 requirements relating to the review of grant
35 applications; amending s. 916.111, F.S.; requiring the
36 department to provide refresher training for specified
37 mental health professionals; providing requirements
38 for such training; amending s. 916.115, F.S.; revising
39 requirements for the appointment of experts to
40 evaluate certain defendants; requiring appointed
41 experts to complete specified training; providing an
42 effective date.

43
44 Be It Enacted by the Legislature of the State of Florida:

45
46 Section 1. Subsection (28) of section 394.455, Florida
47 Statutes, is amended to read:

48 394.455 Definitions.—As used in this part, the term:

49 (28) "Mental illness" means an impairment of the mental or
50 emotional processes that exercise conscious control of one's
51 actions or of the ability to perceive or understand reality,
52 which impairment substantially interferes with the person's
53 ability to meet the ordinary demands of living. For the purposes
54 of this part, the term does not include a developmental
55 disability as defined in chapter 393, intoxication, or
56 conditions manifested only by antisocial behavior, dementia,
57 traumatic brain injury, or substance abuse.

58 Section 2. Paragraph (e) of subsection (6) of section

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59 394.495, Florida Statutes, is amended to read:

60 394.495 Child and adolescent mental health system of care;
61 programs and services.—

62 (6) The department shall contract for community action
63 treatment teams throughout the state with the managing entities.

64 A community action treatment team shall:

65 (e)1. Subject to appropriations and at a minimum,
66 individually serve each of the following counties or regions:

67 a. Alachua.

68 b. Alachua, Columbia, Dixie, Hamilton, Lafayette, and
69 Suwannee.

70 c. Bay.

71 d. Brevard.

72 e. Charlotte.

73 ~~f.e.~~ Collier.

74 ~~g.f.~~ DeSoto and Sarasota.

75 ~~h.g.~~ Duval.

76 ~~i.h.~~ Escambia.

77 ~~j.i.~~ Hardee, Highlands, and Polk.

78 ~~k.j.~~ Hillsborough.

79 ~~l.k.~~ Indian River, Martin, Okeechobee, and St. Lucie.

80 ~~m.l.~~ Lake and Sumter.

81 ~~n.m.~~ Lee.

82 o. Leon.

83 ~~p.n.~~ Manatee.

84 ~~q.o.~~ Marion.

85 ~~r.p.~~ Miami-Dade.

86 ~~s.q.~~ Okaloosa.

87 ~~t.r.~~ Orange.

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88 u.s. Palm Beach.

89 v.t. Pasco.

90 w.u. Pinellas.

91 x.v. Walton.

92 2. Subject to appropriations, the department shall contract
 93 for additional teams through the managing entities to ensure the
 94 availability of community action treatment team services in the
 95 remaining areas of the state.

96 Section 3. Section 394.656, Florida Statutes, is amended to
 97 read:

98 394.656 Criminal Justice, Mental Health, and Substance
 99 Abuse Reinvestment Grant Program.—

100 (1) There is created within the Department of Children and
 101 Families the Criminal Justice, Mental Health, and Substance
 102 Abuse Reinvestment Grant Program. The purpose of the program is
 103 to provide funding to counties which they may use to plan,
 104 implement, or expand initiatives that increase public safety,
 105 avert increased spending on criminal justice, and improve the
 106 accessibility and effectiveness of treatment services for adults
 107 and juveniles who have a mental illness, substance use ~~abuse~~
 108 disorder, or co-occurring mental health and substance use ~~abuse~~
 109 disorders and who are in, or at risk of entering, the criminal
 110 or juvenile justice systems.

111 (2) The department shall establish a Criminal Justice,
 112 Mental Health, and Substance Abuse Statewide Grant Advisory
 113 ~~Review~~ Committee. The committee shall include:

114 (a) One representative of the Department of Children and
 115 Families.†

116 (b) One representative of the Department of Corrections.†

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- 117 (c) One representative of the Department of Juvenile
118 Justice.~~†~~
- 119 (d) One representative of the Department of Elderly
120 Affairs.~~†~~
- 121 (e) One representative of the Office of the State Courts
122 Administrator.~~†~~
- 123 (f) One representative of the Department of Veterans'
124 Affairs.~~†~~
- 125 (g) One representative of the Florida Sheriffs
126 Association.~~†~~
- 127 (h) One representative of the Florida Police Chiefs
128 Association.~~†~~
- 129 (i) One representative of the Florida Association of
130 Counties.~~†~~
- 131 (j) One representative of the Florida Behavioral Health
132 ~~Alcohol and Drug Abuse~~ Association.~~†~~
- 133 (k) One representative of the Florida Association of
134 Managing Entities.~~†~~
- 135 ~~(l) One representative of the Florida Council for Community~~
136 ~~Mental Health;~~
- 137 (l)~~(m)~~ One representative of the National Alliance of
138 Mental Illness.~~†~~
- 139 (m)~~(n)~~ One representative of the Florida Prosecuting
140 Attorneys Association.~~†~~
- 141 (n)~~(o)~~ One representative of the Florida Public Defender
142 Association;~~†~~ and
- 143 ~~(p) One administrator of an assisted living facility that~~
144 ~~holds a limited mental health license.~~
- 145 (3) The committee shall serve as the advisory body to

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146 review policy and funding issues that help reduce the impact of
 147 persons with mental illness and substance use ~~abuse~~ disorders on
 148 communities, criminal justice agencies, and the court system.
 149 The committee shall advise the department in selecting
 150 priorities for grants ~~and investing awarded grant moneys.~~

151 (4) The committee must have experience in substance use and
 152 mental health disorders, community corrections, and law
 153 enforcement. ~~To the extent possible, the committee shall have~~
 154 ~~expertise in grant review and grant application scoring.~~

155 (5) (a) A county, a consortium of counties, or an ~~a not-for-~~
 156 ~~profit community provider or managing~~ entity designated by the
 157 county planning council or committee, as described in s.
 158 394.657, may apply for a 1-year planning grant or a 3-year
 159 implementation or expansion grant. The purpose of the grants is
 160 to demonstrate that investment in treatment efforts related to
 161 mental illness, substance use ~~abuse~~ disorders, or co-occurring
 162 mental health and substance use ~~abuse~~ disorders results in a
 163 reduced demand on the resources of the judicial, corrections,
 164 juvenile detention, and health and social services systems.

165 (b) To be eligible to receive a ~~1-year planning grant or a~~
 166 ~~3-year implementation or expansion~~ grant:

167 1. ~~An A-county~~ applicant must have a planning council or
 168 committee that is in compliance with the membership requirements
 169 set forth in this section.

170 2. A county planning council or committee may designate a
 171 not-for-profit community provider, a ~~or~~ managing entity as
 172 defined in s. 394.9082, the county sheriff or his or her
 173 designee, or a local law enforcement agency to apply on behalf
 174 of the county. The county planning council or committee must

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175 ~~provide must be designated by the county planning council or~~
176 ~~committee and have written authorization to submit an~~
177 ~~application. A not-for-profit community provider or managing~~
178 ~~entity must have written authorization for each designated~~
179 ~~entity and each submitted application.~~

180 (c) The department may award a 3-year implementation or
181 expansion grant to an applicant who has not received a 1-year
182 planning grant.

183 (d) The department may require an applicant to conduct
184 sequential intercept mapping for a project. For purposes of this
185 paragraph, the term "sequential intercept mapping" means a
186 process for reviewing a local community's mental health,
187 substance abuse, criminal justice, and related systems and
188 identifying points of interceptions where interventions may be
189 made to prevent an individual with a substance use ~~abuse~~
190 disorder or mental illness from deeper involvement in the
191 criminal justice system.

192 (6) The department ~~grant review and selection committee~~
193 shall select the grant recipients in collaboration with the
194 Department of Corrections, the Department of Juvenile Justice,
195 the Department of Elderly Affairs, the Office of the State
196 Courts Administrator, and the Department of Veterans' Affairs
197 ~~and notify the department in writing of the recipients' names.~~
198 Contingent upon the availability of funds ~~and upon notification~~
199 ~~by the grant review and selection committee of those applicants~~
200 ~~approved to receive planning, implementation, or expansion~~
201 ~~grants,~~ the department may transfer funds appropriated for the
202 grant program to a selected grant recipient.

203 Section 4. Subsection (1) of section 394.657, Florida

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204 Statutes, is amended to read:

205 394.657 County planning councils or committees.—

206 (1) Each board of county commissioners shall designate the
207 county public safety coordinating council established under s.
208 951.26, or designate another criminal or juvenile justice mental
209 health and substance abuse council or committee, as the planning
210 council or committee. The public safety coordinating council or
211 other designated criminal or juvenile justice mental health and
212 substance abuse council or committee, in coordination with the
213 county offices of planning and budget, shall make a formal
214 recommendation to the board of county commissioners regarding
215 how the Criminal Justice, Mental Health, and Substance Abuse
216 Reinvestment Grant Program may best be implemented within a
217 community. The board of county commissioners may assign any
218 entity to prepare the application on behalf of the county
219 administration for submission to the Criminal Justice, Mental
220 Health, and Substance Abuse Statewide Grant Advisory Review
221 Committee for review. A county may join with one or more
222 counties to form a consortium and use a regional public safety
223 coordinating council or another county-designated regional
224 criminal or juvenile justice mental health and substance abuse
225 planning council or committee for the geographic area
226 represented by the member counties.

227 Section 5. Section 394.658, Florida Statutes, is amended to
228 read:

229 394.658 Criminal Justice, Mental Health, and Substance
230 Abuse Reinvestment Grant Program requirements.—

231 (1) ~~The Criminal Justice, Mental Health, and Substance~~
232 ~~Abuse Statewide Grant Review Committee, in collaboration with~~

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233 ~~the department of Children and Families,~~ in collaboration with
234 the Department of Corrections, the Department of Juvenile
235 Justice, the Department of Elderly Affairs, the Department of
236 Veterans' Affairs, and the Office of the State Courts
237 Administrator, shall establish criteria to be used to review
238 submitted applications and to select a ~~the~~ county that will be
239 awarded a 1-year planning grant or a 3-year implementation or
240 expansion grant. A planning, implementation, or expansion grant
241 may not be awarded unless the application of the county meets
242 the established criteria.

243 (a) The application criteria for a 1-year planning grant
244 must include a requirement that the applicant ~~county or counties~~
245 have a strategic plan to initiate systemic change to identify
246 and treat individuals who have a mental illness, substance use
247 ~~abuse~~ disorder, or co-occurring mental health and substance use
248 ~~abuse~~ disorders who are in, or at risk of entering, the criminal
249 or juvenile justice systems. The 1-year planning grant must be
250 used to develop effective collaboration efforts among
251 participants in affected governmental agencies, including the
252 criminal, juvenile, and civil justice systems, mental health and
253 substance abuse treatment service providers, transportation
254 programs, and housing assistance programs. The collaboration
255 efforts shall be the basis for developing a problem-solving
256 model and strategic plan for treating individuals ~~adults and~~
257 ~~juveniles~~ who are in, or at risk of entering, the criminal or
258 juvenile justice system and doing so at the earliest point of
259 contact, taking into consideration public safety. The planning
260 grant shall include strategies to divert individuals from
261 judicial commitment to community-based service programs offered

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262 by the department of ~~Children and Families~~ in accordance with
263 ss. 916.13 and 916.17.

264 (b) The application criteria for a 3-year implementation or
265 expansion grant must ~~shall~~ require that the applicant
266 ~~information from a county that~~ demonstrates its completion of a
267 well-established collaboration plan that includes public-private
268 partnership models and the application of evidence-based
269 practices. The implementation or expansion grants may support
270 programs and diversion initiatives that include, but need not be
271 limited to:

- 272 1. Mental health courts.†
- 273 2. Diversion programs.†
- 274 3. Alternative prosecution and sentencing programs.†
- 275 4. Crisis intervention teams.†
- 276 5. Treatment accountability services.†
- 277 6. Specialized training for criminal justice, juvenile
278 justice, and treatment services professionals.†
- 279 7. Service delivery of collateral services such as housing,
280 transitional housing, and supported employment.† ~~and~~
- 281 8. Reentry services to create or expand mental health and
282 substance abuse services and supports for affected persons.

283 (c) Each ~~county~~ application must include the following
284 information:

- 285 1. An analysis of the current population of the jail and
286 juvenile detention center in the county, which includes:
 - 287 a. The screening and assessment process that the county
288 uses to identify an adult or juvenile who has a mental illness,
289 substance use ~~abuse~~ disorder, or co-occurring mental health and
290 substance use ~~abuse~~ disorders.†

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291 b. The percentage of each category of individuals ~~persons~~
292 admitted to the jail and juvenile detention center that
293 represents people who have a mental illness, substance use ~~abuse~~
294 disorder, or co-occurring mental health and substance use ~~abuse~~
295 disorders. ~~†~~ and

296 c. An analysis of observed contributing factors that affect
297 population trends in the county jail and juvenile detention
298 center.

299 2. A description of the strategies the applicant ~~county~~
300 intends to use to serve one or more clearly defined subsets of
301 the population of the jail and juvenile detention center who
302 have a mental illness or to serve those at risk of arrest and
303 incarceration. The proposed strategies may include identifying
304 the population designated to receive the new interventions, a
305 description of the services and supervision methods to be
306 applied to that population, and the goals and measurable
307 objectives of the new interventions. An applicant ~~The~~
308 ~~interventions a county may use with the target population~~ may
309 use include, but are not limited to, the following
310 interventions:

311 a. Specialized responses by law enforcement agencies. ~~†~~ †

312 b. Centralized receiving facilities for individuals
313 evidencing behavioral difficulties. ~~†~~ †

314 c. Postbooking alternatives to incarceration. ~~†~~ †

315 d. New court programs, including pretrial services and
316 specialized dockets. ~~†~~ †

317 e. Specialized diversion programs. ~~†~~ †

318 f. Intensified transition services that are directed to the
319 designated populations while they are in jail or juvenile

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- 320 detention to facilitate their transition to the community.†
- 321 g. Specialized probation processes.†
- 322 h. Day-reporting centers.†
- 323 i. Linkages to community-based, evidence-based treatment
- 324 programs for adults and juveniles who have mental illness or
- 325 substance use ~~abuse~~ disorders.† ~~and~~
- 326 j. Community services and programs designed to prevent
- 327 high-risk populations from becoming involved in the criminal or
- 328 juvenile justice system.
- 329 3. The projected effect the proposed initiatives will have
- 330 on the population and the budget of the jail and juvenile
- 331 detention center. The information must include:
- 332 a. An ~~The county's~~ estimate of how the initiative will
- 333 reduce the expenditures associated with the incarceration of
- 334 adults and the detention of juveniles who have a mental
- 335 illness.†
- 336 b. The methodology that will be used ~~the county intends to~~
- 337 ~~use~~ to measure the defined outcomes and the corresponding
- 338 savings or averted costs.†
- 339 c. An ~~The county's~~ estimate of how the cost savings or
- 340 averted costs will sustain or expand the mental health and
- 341 substance abuse treatment services and supports needed in the
- 342 community.† ~~and~~
- 343 d. How the ~~county's~~ proposed initiative will reduce the
- 344 number of individuals judicially committed to a state mental
- 345 health treatment facility.
- 346 4. The proposed strategies ~~that the county intends to use~~
- 347 to preserve and enhance its community mental health and
- 348 substance abuse system, which serves as the local behavioral

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349 health safety net for low-income and uninsured individuals.

350 5. The proposed strategies ~~that the county intends to use~~
351 to continue the implemented or expanded programs and initiatives
352 that have resulted from the grant funding.

353 (2) (a) As used in this subsection, the term "available
354 resources" includes in-kind contributions from participating
355 counties.

356 (b) A 1-year planning grant may not be awarded unless the
357 applicant ~~county~~ makes available resources in an amount equal to
358 the total amount of the grant. A planning grant may not be used
359 to supplant funding for existing programs. For fiscally
360 constrained counties, the available resources may be at 50
361 percent of the total amount of the grant.

362 (c) A 3-year implementation or expansion grant may not be
363 awarded unless the applicant ~~county or consortium of counties~~
364 makes available resources equal to the total amount of the
365 grant. For fiscally constrained counties, the available
366 resources may be at 50 percent of the total amount of the grant.
367 This match shall be used for expansion of services and may not
368 supplant existing funds for services. An implementation or
369 expansion grant must support the implementation of new services
370 or the expansion of services and may not be used to supplant
371 existing services.

372 (3) ~~Using the criteria adopted by rule, the county~~
373 ~~designated or established criminal justice, juvenile justice,~~
374 ~~mental health, and substance abuse planning council or committee~~
375 ~~shall prepare the county or counties' application for the 1-year~~
376 ~~planning or 3-year implementation or expansion grant.~~ The county
377 shall submit the completed application to the department

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378 ~~statewide grant review committee.~~

379 Section 6. Section 394.674, Florida Statutes, is amended to
380 read:

381 394.674 Eligibility for publicly funded substance abuse and
382 mental health services; fee collection requirements.-

383 (1) To be eligible to receive substance abuse and mental
384 health services funded by the department, an individual must be
385 indigent, uninsured, or underinsured and meet at least one of
386 the following additional criteria ~~a member of at least one of~~
387 ~~the department's priority populations approved by the~~
388 ~~Legislature. The priority populations include:~~

389 (a) For ~~adult~~ mental health services, an individual must
390 be:

391 1. An adult who has a serious mental illness, as defined by
392 the department using criteria that, at a minimum, include
393 diagnosis, prognosis, functional impairment, and receipt of
394 disability income for a psychiatric condition.

395 2. An adult at risk of serious mental illness who:

396 a. Has a mental illness that is not considered a serious
397 mental illness, as defined by the department using criteria
398 that, at a minimum, include diagnosis and functional impairment;

399 b. Has a condition with a Z-code diagnosis code; or

400 c. Experiences a severe stressful event and has problems
401 coping or has symptoms that place the individual at risk of more
402 restrictive interventions.

403 3. A child or adolescent at risk of emotional disturbance
404 as defined in s. 394.492.

405 4. A child or adolescent who has an emotional disturbance
406 as defined in s. 394.492.

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407 5. A child or adolescent who has a serious emotional
 408 disturbance or mental illness as defined in s. 394.492.

409 6. An individual who has a primary diagnosis of mental
 410 illness and a co-occurring substance use disorder.

411 7. An individual who is experiencing an acute mental or
 412 emotional crisis as defined in s. 394.67.

413 ~~Adults who have severe and persistent mental illness, as~~
 414 ~~designated by the department using criteria that include~~
 415 ~~severity of diagnosis, duration of the mental illness, ability~~
 416 ~~to independently perform activities of daily living, and receipt~~
 417 ~~of disability income for a psychiatric condition. Included~~
 418 ~~within this group are:~~

419 ~~a. Older adults in crisis.~~

420 ~~b. Older adults who are at risk of being placed in a more~~
 421 ~~restrictive environment because of their mental illness.~~

422 ~~c. Persons deemed incompetent to proceed or not guilty by~~
 423 ~~reason of insanity under chapter 916.~~

424 ~~d. Other persons involved in the criminal justice system.~~

425 ~~e. Persons diagnosed as having co-occurring mental illness~~
 426 ~~and substance abuse disorders.~~

427 ~~2. Persons who are experiencing an acute mental or~~
 428 ~~emotional crisis as defined in s. 394.67(17).~~

429 (b) For substance abuse services, an individual must
 430 children's mental health services:

431 1. Have a diagnosed substance use disorder.

432 2. Have a diagnosed substance use disorder as the primary
 433 diagnosis and a co-occurring mental illness, emotional
 434 disturbance, or serious emotional disturbance.

435 3. Be at risk for alcohol misuse, drug use, or developing a

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436 substance use disorder.

437 (2) Providers receiving funds from the department for
 438 behavioral health services must give priority to:

439 (a) Pregnant women and women with dependent children.

440 (b) Intravenous drug users.

441 (c) Individuals who have a substance use disorder and have
 442 been ordered by the court to receive treatment.

443 (d) Parents, legal guardians, or caregivers with child
 444 welfare involvement and parents, legal guardians, or caregivers
 445 who put children at risk due to substance abuse.

446 (e) Children and adolescents under state supervision.

447 (f) Individuals involved in the criminal justice system,
 448 including those deemed incompetent to proceed or not guilty by
 449 reason of insanity under chapter 916.

450 ~~1. Children who are at risk of emotional disturbance as~~
 451 ~~defined in s. 394.492(4).~~

452 ~~2. Children who have an emotional disturbance as defined in~~
 453 ~~s. 394.492(5).~~

454 ~~3. Children who have a serious emotional disturbance as~~
 455 ~~defined in s. 394.492(6).~~

456 ~~4. Children diagnosed as having a co-occurring substance~~
 457 ~~abuse and emotional disturbance or serious emotional~~
 458 ~~disturbance.~~

459 ~~(c) For substance abuse treatment services:~~

460 ~~1. Adults who have substance abuse disorders and a history~~
 461 ~~of intravenous drug use.~~

462 ~~2. Persons diagnosed as having co-occurring substance abuse~~
 463 ~~and mental health disorders.~~

464 ~~3. Parents who put children at risk due to a substance~~

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465 ~~abuse disorder.~~

466 ~~4. Persons who have a substance abuse disorder and have~~
467 ~~been ordered by the court to receive treatment.~~

468 ~~5. Children at risk for initiating drug use.~~

469 ~~6. Children under state supervision.~~

470 ~~7. Children who have a substance abuse disorder but who are~~
471 ~~not under the supervision of a court or in the custody of a~~
472 ~~state agency.~~

473 ~~8. Persons identified as being part of a priority~~
474 ~~population as a condition for receiving services funded through~~
475 ~~the Center for Mental Health Services and Substance Abuse~~
476 ~~Prevention and Treatment Block Grants.~~

477 (3)~~(2)~~ Crisis services, as defined in s. 394.67, must,
478 within the limitations of available state and local matching
479 resources, be available to each individual ~~person~~ who is
480 eligible for services under subsection (1), regardless of the
481 individual's ~~person's~~ ability to pay for such services. An
482 individual ~~A person~~ who is experiencing a mental health crisis
483 and who does not meet the criteria for involuntary examination
484 under s. 394.463(1), or an individual ~~a person~~ who is
485 experiencing a substance abuse crisis and who does not meet the
486 involuntary admission criteria in s. 397.675, must contribute to
487 the cost of his or her care and treatment pursuant to the
488 sliding fee scale developed under subsection (5)~~(4)~~, unless
489 charging a fee is contraindicated because of the crisis
490 situation.

491 (4)~~(3)~~ Mental health services, substance abuse services,
492 and crisis services, as defined in s. 394.67, must, within the
493 limitations of available state and local matching resources, be

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494 available to each individual ~~person~~ who is eligible for services
495 under subsection (1). Such individual ~~person~~ must contribute to
496 the cost of his or her care and treatment pursuant to the
497 sliding fee scale developed under subsection (5)~~(4)~~.

498 (5)~~(4)~~ The department shall adopt rules to implement ~~client~~
499 eligibility, ~~client~~ enrollment, and fee collection requirements
500 for publicly funded substance abuse and mental health services.

501 (a) The rules must require each provider under contract
502 with the department or managing entity that ~~which~~ enrolls
503 eligible individuals ~~persons~~ into treatment to develop a sliding
504 fee scale for individuals ~~persons~~ who have a net family income
505 at or above 150 percent of the Federal Poverty Income
506 Guidelines, unless otherwise required by state or federal law.
507 The sliding fee scale must use the uniform schedule of discounts
508 by which a provider under contract with the department or
509 managing entity discounts its established ~~client~~ charges for
510 services supported with state, federal, or local funds, using,
511 at a minimum, factors such as family income, financial assets,
512 and family size as declared by the individual ~~person~~ or the
513 individual's ~~person's~~ guardian. The rules must include uniform
514 criteria to be used by all service providers in developing the
515 schedule of discounts for the sliding fee scale.

516 (b) The rules must address the most expensive types of
517 treatment, such as residential and inpatient treatment, in order
518 to make it possible for an individual ~~a client~~ to responsibly
519 contribute to his or her mental health or substance abuse care
520 without jeopardizing the family's financial stability. An
521 individual ~~A person~~ who is not eligible for Medicaid and whose
522 net family income is less than 150 percent of the Federal

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523 Poverty Income Guidelines must pay a portion of his or her
524 treatment costs which is comparable to the copayment amount
525 required by the Medicaid program for Medicaid clients under
526 ~~pursuant to~~ s. 409.9081.

527 (c) The rules must require that individuals ~~persons~~ who
528 receive financial assistance from the Federal Government because
529 of a disability and are in long-term residential treatment
530 settings contribute to their board and care costs and treatment
531 costs and must be consistent with ~~the provisions in~~ s. 409.212.

532 ~~(6)-(5)~~ An individual ~~A person~~ who meets the eligibility
533 criteria in subsection (1) shall be served in accordance with
534 the appropriate district substance abuse and mental health
535 services plan specified in s. 394.75 and within available
536 resources.

537 Section 7. Subsections (2), (3), (4), and (5) of section
538 394.908, Florida Statutes, are amended to read:

539 394.908 Substance abuse and mental health funding equity;
540 distribution of appropriations.—In recognition of the historical
541 inequity in the funding of substance abuse and mental health
542 services for the department's districts and regions and to
543 rectify this inequity and provide for equitable funding in the
544 future throughout the state, the following funding process shall
545 be used:

546 (2) "Individuals in need" means those persons who meet the
547 eligibility requirements under s. 394.674 ~~fit the profile of the~~
548 ~~respective priority populations~~ and require mental health or
549 substance abuse services.

550 (3) Any additional funding beyond the 2005-2006 fiscal year
551 base appropriation for substance abuse ~~alcohol, drug abuse,~~ and

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552 mental health services shall be allocated to districts for
553 substance abuse and mental health services based on:

554 (a) Epidemiological estimates of disabilities that apply to
555 eligible individuals ~~the respective priority populations.~~

556 (b) A pro rata share distribution that ensures districts
557 below the statewide average funding level per individual in need
558 ~~each priority population of "individuals in need"~~ receive
559 funding necessary to achieve equity.

560 (4) ~~Priority populations for~~ Individuals in need shall be
561 displayed for each district and distributed concurrently with
562 the approved operating budget. The display ~~by priority~~
563 ~~population~~ shall show: The annual number of individuals served
564 based on prior year actual numbers, the annual cost per
565 individual served, and the estimated number of the total
566 ~~priority population for~~ individuals in need.

567 (5) The annual cost per individual served is ~~shall be~~
568 ~~defined as~~ the total actual funding for either mental health or
569 substance abuse services ~~each priority population~~ divided by the
570 number of individuals receiving either mental health or
571 substance abuse services ~~served in the priority population for~~
572 that year.

573 Section 8. Subsection (16) of section 397.321, Florida
574 Statutes, is amended to read:

575 397.321 Duties of the department.—The department shall:

576 ~~(16) Develop a certification process by rule for community~~
577 ~~substance abuse prevention coalitions.~~

578 Section 9. Section 397.99, Florida Statutes, is amended to
579 read:

580 397.99 School substance abuse prevention partnership

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581 grants.—

582 (1) GRANT PROGRAM.—

583 (a) In order to encourage the development of effective
584 substance abuse prevention and early intervention strategies for
585 school-age populations, the school substance abuse prevention
586 partnership grant program is established.

587 (b) The department shall administer the program in
588 cooperation with the Department of Education, and the Department
589 of Juvenile Justice, and the managing entities under contract
590 with the department under s. 394.9082.

591 (2) APPLICATION PROCEDURES; FUNDING REQUIREMENTS.—

592 (a) Schools, or community-based organizations in
593 partnership with schools, may submit a grant proposal for
594 funding or continued funding to the managing entity in its
595 geographic area ~~department~~ by March 1 of each year.
596 Notwithstanding s. 394.9082(5)(i), the managing entity shall use
597 a competitive solicitation process to review ~~The department~~
598 ~~shall establish~~ grant applications, ~~application procedures~~ which
599 ensures ~~ensure~~ that grant recipients implement programs and
600 practices that are effective. The managing entity ~~department~~
601 shall include the grant application document on its ~~an~~ Internet
602 website.

603 (b) Grants may fund programs to conduct prevention
604 activities serving students who are not involved in substance
605 use, intervention activities serving students who are
606 experimenting with substance use, or both prevention and
607 intervention activities, if a comprehensive approach is
608 indicated as a result of a needs assessment.

609 (c) Grants may target youth, parents, and teachers and

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610 other school staff, coaches, social workers, case managers, and
611 other prevention stakeholders.

612 (d) Performance measures for grant program activities shall
613 measure improvements in student attitudes or behaviors as
614 determined by the managing entity ~~department~~.

615 (e) At least 50 percent of the grant funds available for
616 local projects must be allocated to support the replication of
617 prevention programs and practices that are based on research and
618 have been evaluated and proven effective. The managing entity
619 ~~department~~ shall develop related qualifying criteria.

620 (f) In order to be considered for funding, the grant
621 application shall include the following assurances and
622 information:

623 1. A letter from the administrators of the programs
624 collaborating on the project, such as the school principal,
625 community-based organization executive director, or recreation
626 department director, confirming that the grant application has
627 been reviewed and that each partner is committed to supporting
628 implementation of the activities described in the grant
629 proposal.

630 2. A rationale and description of the program and the
631 services to be provided, including:

632 a. An analysis of prevention issues related to the
633 substance abuse prevention profile of the target population.

634 b. A description of other primary substance use and related
635 risk factors.

636 c. Goals and objectives based on the findings of the needs
637 assessment.

638 d. The selection of programs or strategies that have been

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639 shown to be effective in addressing the findings of the needs
640 assessment.

641 e. A method of identifying the target group for universal
642 prevention strategies, and a method for identifying the
643 individual student participants in selected and indicated
644 prevention strategies.

645 f. A description of how students will be targeted.

646 g. Provisions for the participation of parents and
647 guardians in the program.

648 h. An evaluation component to measure the effectiveness of
649 the program in accordance with performance-based program
650 budgeting effectiveness measures.

651 i. A program budget, which includes the amount and sources
652 of local cash and in-kind resources committed to the budget and
653 which establishes, to the satisfaction of the managing entity
654 ~~department~~, that the grant applicant entity will make a cash or
655 in-kind contribution to the program of a value that is at least
656 25 percent of the amount of the grant.

657 (g) The managing entity ~~department~~ shall consider the
658 following in awarding such grants:

659 1. The number of youths that will be targeted.

660 2. The validity of the program design to achieve project
661 goals and objectives that are clearly related to performance-
662 based program budgeting effectiveness measures.

663 3. The desirability of funding at least one approved
664 project in each of the department's substate entities.

665 (3) The managing entity must ~~department shall~~ coordinate
666 the review of grant applications with local representatives of
667 the Department of Education and the Department of Juvenile

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668 Justice and shall make award determinations no later than June
669 30 of each year. All applicants shall be notified by the
670 managing entity ~~department~~ of its final action.

671 (4) Each entity that is awarded a grant as provided for in
672 this section shall submit performance and output information as
673 determined by the managing entity ~~department~~.

674 Section 10. Paragraph (d) is added to subsection (1) of
675 section 916.111, Florida Statutes, to read:

676 916.111 Training of mental health experts.—The evaluation
677 of defendants for competency to proceed or for sanity at the
678 time of the commission of the offense shall be conducted in such
679 a way as to ensure uniform application of the criteria
680 enumerated in Rules 3.210 and 3.216, Florida Rules of Criminal
681 Procedure. The department shall develop, and may contract with
682 accredited institutions:

683 (1) To provide:

684 (a) A plan for training mental health professionals to
685 perform forensic evaluations and to standardize the criteria and
686 procedures to be used in these evaluations;

687 (b) Clinical protocols and procedures based upon the
688 criteria of Rules 3.210 and 3.216, Florida Rules of Criminal
689 Procedure; ~~and~~

690 (c) Training for mental health professionals in the
691 application of these protocols and procedures in performing
692 forensic evaluations and providing reports to the courts; and

693 (d) Refresher training for mental health professionals who
694 have completed the training required by paragraph (c) and s.
695 916.115(1). At a minimum, the refresher training must provide
696 current information on:

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- 697 1. Forensic statutory requirements.
698 2. Recent changes to part II of this chapter.
699 3. Trends and concerns related to forensic commitments in
700 the state.
701 4. Alternatives to maximum security treatment facilities.
702 5. Community forensic treatment providers.
703 6. Evaluation requirements.
704 7. Forensic service array updates.

705 Section 11. Subsection (1) of section 916.115, Florida
706 Statutes, is amended to read:

707 916.115 Appointment of experts.—

708 (1) The court shall appoint no more than three experts to
709 determine the mental condition of a defendant in a criminal
710 case, including competency to proceed, insanity, involuntary
711 placement, and treatment. The experts may evaluate the defendant
712 in jail or in another appropriate local facility or in a
713 facility of the Department of Corrections.

714 (a) ~~To the extent possible,~~ The appointed experts must
715 ~~shall~~ have completed forensic evaluator training approved by the
716 department under s. 916.111(1)(c), and, to the extent possible,
717 each shall be a psychiatrist, licensed psychologist, or
718 physician. Appointed experts who have completed the training
719 under s. 916.111(1)(c) must complete refresher training under s.
720 916.111(1)(d) every 3 years.

721 (b) The department shall maintain and annually provide the
722 courts with a list of available mental health professionals who
723 have completed the approved training under ss. 916.111(1)(c) and
724 (d) as experts.

725 Section 12. This act shall take effect July 1, 2020.