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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/16/2021	.	
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The Committee on Appropriations (Rouson) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 102 and 103

insert:

Section 2. Based on recommendations in the Third Interim Report of the 20th Statewide Grand Jury, submitted December 10, 2020, regarding the state's mental health system, it is the intent of the Legislature to establish a commission to examine the state's current policies and procedures for providing mental health and substance abuse services and to make recommendations



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11 to improve and facilitate the delivery of mental health and  
12 substance abuse services throughout the state.

13 Section 3. Section 394.9086, Florida Statutes, is created  
14 to read:

15 394.9086 Commission on Mental Health and Substance Abuse.-

16 (1) CREATION.-The Commission on Mental Health and Substance  
17 Abuse, a commission as defined in s. 20.03(10), is created  
18 adjunct to the Department of Children and Families. The  
19 department shall provide administrative and staff support  
20 services relating to the functions of the commission.

21 (2) PURPOSES.-The purposes of the commission are to examine  
22 the current methods of providing mental health and substance  
23 abuse services in the state and to improve the effectiveness of  
24 current practices, procedures, programs, and initiatives in  
25 providing such services; identify any barriers or deficiencies  
26 in the delivery of such services; and recommend changes to  
27 existing laws, rules, and policies necessary to implement the  
28 commission's recommendations.

29 (3) MEMBERSHIP; TERM LIMITS; MEETINGS.-

30 (a) The commission shall be composed of 19 members as  
31 follows:

32 1. A member of the Senate, appointed by the President of  
33 the Senate.

34 2. A member of the House of Representatives, appointed by  
35 the Speaker of the House of Representatives.

36 3. The Secretary of Children and Families or his or her  
37 designee.

38 4. The Secretary of the Agency for Health Care  
39 Administration or his or her designee.



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- 40        5. A person living with a mental health disorder appointed  
41 by the President of the Senate.
- 42        6. A family member of a consumer of publicly funded mental  
43 health, appointed by the President of the Senate.
- 44        7. A representative of the Louis de la Parte Florida Mental  
45 Health Institute within the University of South Florida,  
46 appointed by the President of the Senate.
- 47        8. A representative of a county school district, appointed  
48 by the President of the Senate.
- 49        9. A representative of mental health courts, appointed by  
50 the Governor.
- 51        10. A representative of a treatment facility, as defined in  
52 s. 394.455, appointed by the Speaker of the House of  
53 Representatives.
- 54        11. A representative of a managing entity as defined in s.  
55 394.9082(2), appointed by the Speaker of the House of  
56 Representatives.
- 57        12. A representative of a community substance abuse  
58 provider, appointed by the Speaker of the House of  
59 Representatives.
- 60        13. A psychiatrist licensed under chapter 458 or chapter  
61 459 practicing within the mental health delivery system,  
62 appointed by the Speaker of the House of Representatives.
- 63        14. A psychologist licensed under chapter 490 practicing  
64 within the mental health delivery system, appointed by the  
65 Governor.
- 66        15. A mental health professional licensed under chapter  
67 491, appointed by the Governor.
- 68        16. An emergency room physician, appointed by the Governor.



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69       17. A representative from the field of law enforcement,  
70 appointed by the Governor.

71       18. A representative from the criminal justice system,  
72 appointed by the Governor.

73       19. A representative of a child welfare agency involved in  
74 the delivery of behavioral health services, appointed by the  
75 Governor.

76       (b) The Governor shall appoint the chair from the members  
77 of the commission. Appointments to the commission must be made  
78 by August 1, 2021. Members shall be appointed to serve at the  
79 pleasure of the officer who appointed the member. A vacancy on  
80 the commission shall be filled in the same manner as the  
81 original appointment.

82       (c) The commission shall convene no later than September 1,  
83 2021. The commission shall meet quarterly or upon the call of  
84 the chair. The commission shall hold its meetings via  
85 teleconference or other electronic means.

86       (4) DUTIES.—

87       (a) The duties of the Commission on Mental Health and  
88 Substance Abuse include the following:

89       1. Conducting a review and evaluation of the management and  
90 functioning of the existing publicly supported mental health and  
91 substance abuse systems and services in the Department of  
92 Children and Families, the Agency for Health Care  
93 Administration, and all other departments which administer  
94 mental health and substance abuse services. Such review shall  
95 include, at a minimum, a review of current goals and objectives,  
96 current planning, services strategies, coordination management,  
97 purchasing, contracting, financing, local government funding



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98 responsibility, and accountability mechanisms.

99 2. Considering the unique needs of persons who are dually  
100 diagnosed.

101 3. Addressing access to, and financing of, and scope of  
102 responsibility in the delivery of emergency behavioral health  
103 care services.

104 4. Addressing the quality and effectiveness of current  
105 mental health and substance abuse services delivery systems, and  
106 professional staffing and clinical structure of services, roles,  
107 and responsibilities of public and private providers, such as  
108 community mental health centers, community substance abuse  
109 agencies, hospitals, including emergency services departments,  
110 law enforcement agencies, and the judicial system.

111 5. Addressing priority population groups for publicly  
112 funded mental health and substance abuse services, identifying  
113 the comprehensive mental health and substance abuse services  
114 delivery systems, mental health and substance abuse needs  
115 assessment and planning activities, and local government funding  
116 responsibilities for mental health and substance abuse services.

117 6. Reviewing the implementation of chapter 2020-107, Laws  
118 of Florida.

119 7. Identifying any gaps in the provision of mental health  
120 and substance use disorder services.

121 8. Providing recommendations on how behavioral health  
122 managing entities may fulfill their purpose of promoting service  
123 continuity.

124 9. Making recommendations regarding the mission and  
125 objectives of state-supported mental health and substance abuse  
126 services and the planning, management, staffing, financing,



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127 contracting, coordination, and accountability mechanisms which  
128 will best foster the recommended mission and objectives.

129 10. Evaluating and making recommendations regarding the  
130 establishment of a permanent, agency-level entity to manage  
131 mental health, substance abuse, and related services statewide.

132 At a minimum, the evaluation must consider and describe the:

133 a. Specific duties and organizational structure proposed  
134 for the entity;

135 b. Resource needs of the entity and possible sources of  
136 funding;

137 c. Estimated impact on access to and quality of services;

138 d. Impact on individuals with behavioral health needs and  
139 their families, both those currently served through the affected  
140 systems providing behavioral health services and those in need  
141 of services; and

142 e. Relation to, integration with, and impact on providers,  
143 managing entities, communities, state agencies, and systems  
144 which provide mental health and substance abuse services in this  
145 state. Such recommendations must ensure that the ability of such  
146 other agencies and systems to carry out their missions and  
147 responsibilities is not impaired.

148 (b) The commission may call upon appropriate departments  
149 and agencies of state government for such professional  
150 assistance as may be needed in the discharge of its duties, and  
151 such departments and agencies shall provide such assistance in a  
152 timely manner.

153 (5) REPORTS.—By September 1, 2022, the commission shall  
154 submit an interim report to the President of the Senate, the  
155 Speaker of the House of Representatives, and the Governor



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156 containing its findings and recommendations on how to best  
157 provide and facilitate mental health and substance abuse  
158 services in the state. The commission shall submit its final  
159 report by September 1, 2023.

160 (6) REPEAL.—This section is repealed September 1, 2023,  
161 unless saved from repeal through reenactment by the Legislature.

162  
163 ===== T I T L E A M E N D M E N T =====

164 And the title is amended as follows:

165 Delete line 7

166 and insert:

167 technical change; providing legislative intent;  
168 creating s. 394.9086, F.S.; creating the Commission on  
169 Mental Health and Substance Abuse adjunct to the  
170 Department of Children and Families; requiring the  
171 department to provide administrative and staff support  
172 services to the commission; providing purposes of the  
173 commission; providing for membership, term limits,  
174 meetings, and duties of the commission; requiring the  
175 commission to submit reports of its findings and  
176 recommendations to the Legislature and Governor by a  
177 specified date; providing for future repeal unless  
178 saved by the Legislature through reenactment; amending  
179 s. 397.4073, F.S.; revising