

1                                   A bill to be entitled  
 2           An act relating to the Commission on Mental Health and  
 3           Substance Abuse; providing legislative intent;  
 4           creating s. 394.9086, F.S.; creating the Commission on  
 5           Mental Health and Substance Abuse adjunct to the  
 6           Department of Children and Families; requiring the  
 7           department to provide administrative and staff support  
 8           services to the commission; providing purposes;  
 9           providing for membership, term limits, meetings, and  
 10          duties of the commission; requiring the commission to  
 11          submit a report of its findings and recommendations to  
 12          the Legislature and Governor by a specified date, and  
 13          annually thereafter; providing for future repeal  
 14          unless saved by the Legislature through reenactment;  
 15          providing an effective date.

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 17 Be It Enacted by the Legislature of the State of Florida:

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 19           Section 1. Based on recommendations in the Third Interim  
 20 Report of the 20th Statewide Grand Jury, submitted December 10,  
 21 2020, regarding the state's mental health system, it is the  
 22 intent of the Legislature to establish a commission to examine  
 23 the state's current policies and procedures for providing mental  
 24 health and substance abuse services and to make recommendations  
 25 to improve and facilitate the delivery of mental health and

26 | substance abuse services throughout the state.

27 | Section 2. Section 394.9086, Florida Statutes, is created  
 28 | to read:

29 | 394.9086 Commission on Mental Health and Substance Abuse.—

30 | (1) CREATION.—The Commission on Mental Health and  
 31 | Substance Abuse, a commission as defined in s. 20.03(10), is  
 32 | created adjunct to the Department of Children and Families. The  
 33 | department shall provide administrative and staff support  
 34 | services relating to the functions of the commission.

35 | (2) PURPOSES.—The purposes of the commission are to  
 36 | examine the current methods of providing mental health and  
 37 | substance abuse services in the state and to improve the  
 38 | effectiveness of current practices, procedures, programs, and  
 39 | initiatives in providing such services; identify any barriers or  
 40 | deficiencies in the delivery of such services; and recommend  
 41 | changes to existing laws, rules, and policies necessary to  
 42 | implement the commission's recommendations.

43 | (3) MEMBERSHIP; TERM LIMITS; MEETINGS.—

44 | (a) The commission shall be composed of 19 members as  
 45 | follows:

46 | 1. A member of the Senate, appointed by the President of  
 47 | the Senate.

48 | 2. A member of the House of Representatives, appointed by  
 49 | the Speaker of the House of Representatives.

50 | 3. The Secretary of Children and Families or his or her

- 51 designee.
- 52 4. The Surgeon General or his or her designee.
- 53 5. The Secretary of the Agency for Health Care  
 54 Administration or his or her designee.
- 55 6. A family member of a consumer of publicly funded mental  
 56 health, appointed by the President of the Senate.
- 57 7. A representative of the Louis de la Parte Florida  
 58 Mental Health Institute within the University of South Florida,  
 59 appointed by the President of the Senate.
- 60 8. A representative of a small rural county school  
 61 district, appointed by the President of the Senate.
- 62 9. A representative of a large county school district,  
 63 appointed by the Speaker of the House of Representatives.
- 64 10. A representative of a treatment facility, as defined  
 65 in s. 394.455, appointed by the Speaker of the House of  
 66 Representatives.
- 67 11. A representative of a managing entity as defined in s.  
 68 394.9082(2), appointed by the Speaker of the House of  
 69 Representatives.
- 70 12. A representative of a community substance abuse  
 71 provider, appointed by the Speaker of the House of  
 72 Representatives.
- 73 13. A psychiatrist licensed under chapter 458 or chapter  
 74 459 practicing within the mental health delivery system,  
 75 appointed by the Speaker of the House of Representatives.

76           14. A psychologist licensed under chapter 490 practicing  
 77 within the mental health delivery system, appointed by the  
 78 Governor.

79           15. A mental health professional licensed under chapter  
 80 491, appointed by the Governor.

81           16. An emergency room physician, appointed by the  
 82 Governor.

83           17. A representative from the field of law enforcement,  
 84 appointed by the Governor.

85           18. A representative from the criminal justice system,  
 86 appointed by the Governor.

87           19. A representative of a child welfare agency involved in  
 88 the delivery of behavioral health services, appointed by the  
 89 Governor.

90           (b) The Governor shall appoint the chair from the members  
 91 of the commission. Appointments to the commission must be made  
 92 by August 1, 2021. Members shall be appointed to serve 3-year  
 93 terms at the pleasure of the officer who appointed the member. A  
 94 vacancy on the commission shall be filled in the same manner as  
 95 the original appointment.

96           (c) The commission shall convene no later than September  
 97 1, 2021. The commission shall meet monthly or upon the call of  
 98 the chair. The commission may hold its meetings via  
 99 teleconference or other electronic means.

100           (4) DUTIES.—

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

103 1. Conducting a review and evaluation of the management  
104 and functioning of the existing publicly supported mental health  
105 and substance abuse systems and services in the Department of  
106 Children and Families, the Agency for Health Care  
107 Administration, and all other departments which administer  
108 mental health and substance abuse services. Such review shall  
109 include, at a minimum, a review of current goals and objectives,  
110 current planning, services strategies, coordination management,  
111 purchasing, contracting, financing, local government funding  
112 responsibility, and accountability mechanisms.

113 2. Addressing the unique needs of persons with a history  
114 of substance abuse or with a comorbid psychiatric disorder.

115 3. Addressing access to, and financing of, and scope of  
116 responsibility in the delivery of emergency behavioral health  
117 care services.

118 4. Addressing the quality and effectiveness of current  
119 mental health and substance abuse services delivery systems, and  
120 professional staffing and clinical structure of services, roles,  
121 and responsibilities of public and private providers, such as  
122 community mental health centers, community substance abuse  
123 agencies, hospitals, including emergency services departments,  
124 law enforcement agencies, and the judicial system.

125 5. Addressing priority population groups for publicly

126 funded mental health and substance abuse services, a description  
127 of the comprehensive mental health and substance abuse delivery  
128 systems, mental health and substance abuse needs assessment and  
129 planning activities, and local government responsibilities for  
130 funding mental health and substance abuse services.

131 6. Submitting recommendations to the President of the  
132 Senate, the Speaker of the House of Representatives, and the  
133 Governor regarding the mission and objectives of state-supported  
134 mental health and substance abuse services and the planning,  
135 management, staffing, financing, contracting, coordination, and  
136 accountability mechanisms which will best foster the recommended  
137 mission and objectives.

138 7. Recommend a permanent, agency-level entity to manage  
139 mental health, behavioral health, substance abuse, and related  
140 services statewide.

141 (b) The commission may call upon appropriate departments  
142 and agencies of state government for such professional  
143 assistance as may be needed in the discharge of its duties, and  
144 such departments and agencies shall provide such assistance in a  
145 timely manner.

146 (5) REPORTS.—By September 1, 2022, and each year  
147 thereafter, the commission shall submit its report to the  
148 President of the Senate, the Speaker of the House of  
149 Representatives, and the Governor containing its findings and  
150 recommendations on how to best provide and facilitate mental

HB 1447

2021

151 | health and substance abuse services in the state.

152 |       (6) This section is repealed September 1, 2026, unless  
153 | saved from repeal through reenactment by the Legislature.

154 |       Section 3. This act shall take effect upon becoming a law.