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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2021	.	
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The Committee on Children, Families, and Elder Affairs (Rouson) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. 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 this state.

13 Section 2. 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 within the Department of Children and Families. Except as  
19 otherwise provided in this section, the commission shall operate  
20 in a manner consistent with s. 20.052.

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 this 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 15 members as  
31 follows:

32 1. The Secretary of Children and Families or his or her  
33 designee.

34 2. The Secretary of the Agency for Health Care  
35 Administration or his or her designee.

36 3. A family member of a consumer of publicly funded mental  
37 health, appointed by the President of the Senate.

38 4. A representative of the Louis de la Parte Florida Mental  
39 Health Institute within the University of South Florida,



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- 40 appointed by the President of the Senate.
- 41 5. A representative of a school district, appointed by the  
42 President of the Senate.
- 43 6. A representative of a county utilizing state-funded  
44 mental health and substance abuse services, appointed by the  
45 President of the Senate.
- 46 7. A representative of a treatment facility, as defined in  
47 s. 394.455, appointed by the Speaker of the House of  
48 Representatives.
- 49 8. A representative of a managing entity, as defined in s.  
50 394.9082(2), appointed by the Speaker of the House of  
51 Representatives.
- 52 9. A representative of a community-based substance abuse  
53 services provider, appointed by the Speaker of the House of  
54 Representatives.
- 55 10. A psychiatrist licensed under chapter 458 or chapter  
56 459 practicing within the mental health delivery system,  
57 appointed by the Speaker of the House of Representatives.
- 58 11. A psychologist licensed under chapter 490 practicing  
59 within the mental health delivery system, appointed by the  
60 Governor.
- 61 12. A mental health professional licensed under chapter  
62 491, appointed by the Governor.
- 63 13. An emergency room physician, appointed by the Governor.
- 64 14. A representative from the field of law enforcement,  
65 appointed by the Governor.
- 66 15. A representative of mental health courts, appointed by  
67 the Governor.
- 68 (b) The Governor shall appoint the chair from the members



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69 of the commission. Appointments to the commission must be made  
70 by September 1, 2021. Members shall be appointed to serve 3-year  
71 terms at the pleasure of the officer who appointed the member. A  
72 vacancy on the commission shall be filled in the same manner as  
73 the original appointment.

74 (c) The commission shall convene no later than September 1,  
75 2021. The commission shall meet at least quarterly or upon the  
76 call of the chair. The commission may hold its meetings via  
77 teleconference or other electronic means.

78 (4) DUTIES.—

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

81 1. Conducting a review and evaluation of the management and  
82 functioning of the existing publicly supported mental health and  
83 substance abuse systems and services in the Department of  
84 Children and Families, the Agency for Health Care  
85 Administration, and all other departments that administer mental  
86 health and substance abuse services. Such review must include,  
87 at a minimum, a review of current goals and objectives, current  
88 planning, services strategies, coordination management,  
89 purchasing, contracting, financing, local government funding  
90 responsibility, and accountability mechanisms.

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

93 3. Addressing access to, financing of, and scope of  
94 responsibility in the delivery of emergency behavioral health  
95 care services.

96 4. Addressing the quality and effectiveness of current  
97 mental health and substance abuse services delivery systems,



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98 professional staffing and clinical structure of services, and  
99 roles and responsibilities of public and private providers, such  
100 as community mental health centers; community-based substance  
101 abuse agencies; hospitals, including emergency services  
102 departments; law enforcement agencies; and the judicial system.

103 5. Addressing priority population groups for publicly  
104 funded mental health and substance abuse services, identifying  
105 the comprehensive mental health and substance abuse services  
106 delivery systems, mental health and substance abuse needs  
107 assessment and planning activities, and local government funding  
108 responsibilities for mental health and substance abuse services.

109 6. Reviewing the implementation of chapter 2020-107, Laws  
110 of Florida.

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

113 8. Providing recommendations on how behavioral health  
114 managing entities may fulfill their purpose of promoting service  
115 continuity.

116 9. Submitting recommendations to the Governor, the  
117 President of the Senate, and the Speaker of the House of  
118 Representatives regarding the mission and objectives of state-  
119 supported mental health and substance abuse services and the  
120 planning, management, staffing, financing, contracting,  
121 coordination, and accountability mechanisms that will best  
122 foster the recommended mission and objectives.

123 10. Recommending a permanent, agency-level entity to manage  
124 mental health, substance abuse, and related services statewide.

125 (b) The commission may call upon appropriate departments  
126 and agencies of state government for such professional



127 assistance as may be needed in the discharge of its duties, and  
128 such departments and agencies shall provide such assistance in a  
129 timely manner.

130 (5) REPORTS.—By September 1, 2022, and each year  
131 thereafter, the commission shall submit its report to the  
132 Governor, the President of the Senate, and the Speaker of the  
133 House of Representatives containing its findings and  
134 recommendations on how to best provide and facilitate mental  
135 health and substance abuse services in this state.

136 (6) This section is repealed September 1, 2026, unless  
137 reviewed and saved from repeal through reenactment by the  
138 Legislature.

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

140  
141 ===== T I T L E A M E N D M E N T =====

142 And the title is amended as follows:

143 Delete everything before the enacting clause  
144 and insert:

145 A bill to be entitled  
146 An act relating to the Commission on Mental Health and  
147 Substance Abuse; providing legislative intent;  
148 creating s. 394.9086, F.S.; creating the Commission on  
149 Mental Health and Substance Abuse within the  
150 Department of Children and Families; providing the  
151 purpose of the commission; providing for membership,  
152 term limits, meetings, and duties of the commission;  
153 requiring certain agencies to provide assistance to  
154 the commission in a timely manner; requiring the  
155 commission to submit a report to the Governor and



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156       Legislature by a specified date, and annually  
157       thereafter; providing for future review and repeal  
158       unless saved by the Legislature through reenactment;  
159       providing an effective date.