

By Senator Book

32-01740A-21

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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 Governor and Legislature by a specified date, and  
13          annually thereafter; providing for future review and  
14          repeal unless saved by the Legislature through  
15          reenactment; providing an effective date.

16  
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 this state.

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

29           394.9086 Commission on Mental Health and Substance Abuse.-

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30 (1) CREATION.—The Commission on Mental Health and Substance  
31 Abuse, a commission as defined in s. 20.03(10), is created  
32 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 examine  
36 the current methods of providing mental health and substance  
37 abuse services in this state and to improve the effectiveness of  
38 current practices, procedures, programs, and initiatives in  
39 providing such services; identify any barriers or deficiencies  
40 in the delivery of such services; and recommend changes to  
41 existing laws, rules, and policies necessary to implement the  
42 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 Mental  
58 Health Institute within the University of South Florida,

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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 in  
65 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-based substance abuse  
71 services 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 Governor.

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

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

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

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88 Governor.

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

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

99 (4) DUTIES.—

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

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

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

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

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

124 5. Addressing priority population groups for publicly  
125 funded mental health and substance abuse services, identifying  
126 the comprehensive mental health and substance abuse services  
127 delivery systems, mental health and substance abuse needs  
128 assessment and planning activities, and local government funding  
129 responsibilities for mental health and substance abuse services.

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

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

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

145 (5) REPORTS.—By September 1, 2022, and each year

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146 thereafter, the commission shall submit its report to the  
147 Governor, the President of the Senate, and the Speaker of the  
148 House of Representatives containing its findings and  
149 recommendations on how to best provide and facilitate mental  
150 health and substance abuse services in this state.

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

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