

By Senator Rouson

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1 A bill to be entitled
2 An act relating to mental health and substance abuse;
3 amending s. 394.494, F.S.; revising a requirement for
4 the Department of Children and Families relating to
5 certain performance outcomes and measures; amending s.
6 394.4955, F.S.; requiring managing entities to lead
7 the implementation of a coordinated system of care;
8 repealing s. 394.74, F.S., relating to contracts for
9 provision of local substance abuse and mental health
10 programs; repealing s. 394.75, F.S., relating to state
11 and district substance abuse and mental health plans;
12 repealing s. 394.76, F.S., relating to financing of
13 district programs and services; amending s. 394.9082,
14 F.S.; revising the definition of the term "managing
15 entity"; revising the duties of the department;
16 revising department requirements for, and
17 authorizations relating to, contracting with managing
18 entities; requiring the department to review such
19 assessments, in consultation with managing entity
20 representatives, for inclusion in the department's
21 legislative budget request; revising managing entity
22 duties; deleting a requirement for certain managing
23 entities to enter into a memoranda of understanding
24 relating to network accreditation and systems
25 coordination within a specified timeframe; revising
26 the timeframe for annually submitting enhancement
27 plans; revising requirements relating to the acute
28 care services utilization database; amending ss.
29 394.4574, 394.493, and 394.674, F.S.; conforming

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30 provisions to changes made by the act; reenacting ss.
31 394.9086(3)(a) and 394.9087(6), F.S., relating to the
32 Commission on Mental Health and Substance Abuse and
33 the Florida Veterans' Care Coordination Program,
34 respectively, to incorporate the amendments made to s.
35 394.9082, F.S., in references thereto; providing an
36 effective date.

37
38 Be It Enacted by the Legislature of the State of Florida:

39
40 Section 1. Subsection (2) of section 394.494, Florida
41 Statutes, is amended to read:

42 394.494 General performance outcomes for the child and
43 adolescent mental health treatment and support system.—

44 (2) Annually, pursuant to former s. 216.0166, the
45 department shall develop ~~more~~ specific performance outcomes and
46 performance measures to assess the performance of the child and
47 adolescent mental health treatment and support system in
48 achieving the intent of this section.

49 Section 2. Subsection (1) of section 394.4955, Florida
50 Statutes, is amended to read:

51 394.4955 Coordinated system of care; child and adolescent
52 mental health treatment and support.—

53 (1) Pursuant to s. 394.9082(5)(d), each managing entity
54 shall lead the development and implementation ~~of a plan that~~
55 ~~promotes the development and effective implementation~~ of a
56 coordinated system of care which integrates services provided
57 through providers funded by the state's child-serving systems
58 and facilitates access by children and adolescents, as resources

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59 permit, to needed mental health treatment and services at any
 60 point of entry regardless of the time of year, intensity, or
 61 complexity of the need, and other systems with which such
 62 children and adolescents are involved, as well as treatment and
 63 services available through other systems for which they would
 64 qualify.

65 Section 3. Section 394.74, Florida Statutes, is repealed.

66 Section 4. Section 394.75, Florida Statutes, is repealed.

67 Section 5. Section 394.76, Florida Statutes, is repealed.

68 Section 6. Paragraph (e) of subsection (2), paragraphs (b)
 69 and (j) of subsection (4), paragraphs (b) and (l) of subsection
 70 (5), paragraph (b) of subsection (6), and subsections (8) and
 71 (10) of section 394.9082, Florida Statutes, are amended, and
 72 paragraphs (n) and (o) are added to subsection (3) and paragraph
 73 (v) is added to subsection (5) of that section, to read:

74 394.9082 Behavioral health managing entities.—

75 (2) DEFINITIONS.—As used in this section, the term:

76 (e) "Managing entity" means a corporation:

77 1. Selected by and under contract with the department to
 78 manage the daily operational delivery of behavioral health
 79 services through a coordinated system of care that does not
 80 provide therapeutic services; and

81 2. That is eligible to receive federal block grant funding.

82 (3) DEPARTMENT DUTIES.—The department shall:

83 (n) Work with the managing entities and allow managing
 84 entities to have direct input when reviewing expenditures to
 85 determine funding of appropriate services and reduce
 86 administrative burdens.

87 (o) Complete a review of all reports submitted by managing

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88 entities for the purpose of reducing administrative burdens by
89 identifying obsolete, duplicative, and uninformative reports.

90 (4) CONTRACT WITH MANAGING ENTITIES.—

91 (b) The department may ~~shall~~ issue an invitation to
92 negotiate under s. 287.057 to select an organization to serve as
93 a managing entity. If the department does not receive a
94 responsive bid ~~receives fewer than two responsive bids~~ to the
95 solicitation, the department may ~~shall~~ reissue the solicitation
96 and managed behavioral health organizations shall be eligible to
97 bid and be awarded a contract, notwithstanding the federal block
98 grant eligibility requirement.

99 (j) ~~By June 30, 2019,~~ If ~~all other~~ contract requirements
100 and performance standards are substantially met and the
101 department determines that a managing entity has maintained
102 ~~under contract as of July 1, 2016,~~ ~~has received~~ network
103 accreditation pursuant to subsection (6), the department may
104 continue its contract with the managing entity for as long as
105 the managing entity meets its contractual and performance
106 requirements up to, but not exceeding, 5 years, including any
107 ~~and all renewals and extensions. Thereafter, the department must~~
108 ~~issue a competitive solicitation pursuant to paragraph (b).~~

109 (5) MANAGING ENTITY DUTIES.—A managing entity shall:

110 (b) Conduct a community behavioral health care needs
111 assessment every 3 years in the geographic area served by the
112 managing entity which identifies needs by subregion. The process
113 for conducting the needs assessment shall include an opportunity
114 for public participation. The assessment shall include, at a
115 minimum, the information the department needs for its annual
116 report to the Governor and Legislature pursuant to s. 394.4573.

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117 The assessment shall also include a list and descriptions of any
118 gaps in the arrays of services for children or adolescents
119 identified pursuant to s. 394.4955 and recommendations for
120 addressing such gaps. The managing entity shall provide the
121 needs assessment to the department. The department, in
122 consultation with the managing entity representatives, shall
123 review such assessments for inclusion in the department's
124 legislative budget request.

125 (l) Work collaboratively with ~~public~~ receiving facilities
126 and licensed housing providers to establish a network of
127 licensed housing resources for mental health consumers that will
128 prevent and reduce readmissions to public receiving facilities.

129 (v) Collaborate with county emergency operation centers to
130 identify organizations that ensure access to and coordinate
131 delivery of behavioral health services to responders and
132 survivors and survivor's family members of a public emergency as
133 critical public health infrastructure.

134 (6) NETWORK ACCREDITATION AND SYSTEMS COORDINATION
135 AGREEMENTS.—

136 (b) If no accreditations are available or deemed acceptable
137 pursuant to paragraph (a) which address coordination between the
138 provider network and major systems and programs with which the
139 provider network interacts, each managing entity shall enter
140 into memoranda of understanding which details mechanisms for
141 communication and coordination. The managing entity shall enter
142 into such memoranda with any community-based care lead agencies,
143 circuit courts, county courts, sheriffs' offices, offices of the
144 public defender, offices of criminal conflict and civil regional
145 counsel, Medicaid managed medical assistance plans, and homeless

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146 coalitions in its service area. ~~Each managing entity under~~
147 ~~contract on July 1, 2016, shall enter into such memoranda by~~
148 ~~June 30, 2017, and each managing entity under contract after~~
149 ~~July 1, 2016, shall enter into such memoranda within 1 year~~
150 ~~after its contract execution date.~~

151 (8) ENHANCEMENT PLANS.—By June ~~September~~ 1 of each year,
152 ~~beginning in 2017,~~ each managing entity shall develop and submit
153 to the department a description of strategies for enhancing
154 services and addressing three to five priority needs in the
155 service area. The planning process sponsored by the managing
156 entity shall include consumers and their families, community-
157 based care lead agencies, local governments, law enforcement
158 agencies, service providers, community partners and other
159 stakeholders. Each strategy must be described in detail and
160 accompanied by an implementation plan that specifies action
161 steps, identifies responsible parties, and delineates specific
162 services that would be purchased, projected costs, the projected
163 number of individuals that would be served, and the estimated
164 benefits of the services. The department shall consider
165 enhancement plans submitted by the managing entities in the
166 department's legislative budget request ~~All or parts of these~~
167 ~~enhancement plans may be included in the department's annual~~
168 ~~budget requests submitted to the Legislature.~~

169 (10) ACUTE CARE SERVICES UTILIZATION DATABASE.—The
170 department shall develop, implement, and maintain standards
171 under which a managing entity shall collect utilization data
172 from all contracted public receiving facilities situated within
173 its geographical service area and all detoxification and
174 addictions receiving facilities under contract with the managing

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175 entity. As used in this subsection, the term "public receiving
176 facility" means an entity that meets the licensure requirements
177 of, and is designated by, the department to operate as a public
178 receiving facility under s. 394.875 and that is operating as a
179 licensed crisis stabilization unit.

180 (a) The department shall develop standards and protocols to
181 be used for data collection, storage, transmittal, and analysis.
182 The standards and protocols shall allow for compatibility of
183 data and data transmittal between public receiving facilities,
184 detoxification facilities, addictions receiving facilities,
185 managing entities, and the department for the implementation,
186 and to meet the requirements, of this subsection.

187 (b) A managing entity shall require providers specified in
188 paragraph (a) to submit data, in real time or at least daily, to
189 the managing entity for:

190 1. All admissions and discharges of clients receiving
191 public receiving facility services who qualify as indigent, as
192 defined in s. 394.4787.

193 2. All admissions and discharges of clients receiving
194 substance abuse services in an addictions receiving facility or
195 detoxification facility pursuant to parts IV and V of chapter
196 397 who qualify as indigent.

197 3. The current active census of total licensed beds, the
198 number of beds purchased by the department, the number of
199 clients qualifying as indigent occupying those beds, and the
200 total number of unoccupied licensed beds, regardless of funding.

201 (c) A managing entity shall require providers specified in
202 paragraph (a) to submit data, on a monthly basis, to the
203 managing entity which aggregates the daily data submitted under

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204 paragraph (b). The managing entity shall reconcile the data in
205 the monthly submission to the data received by the managing
206 entity under paragraph (b) to check for consistency. If the
207 monthly aggregate data submitted by a provider under this
208 paragraph are inconsistent with the daily data submitted under
209 paragraph (b), the managing entity shall consult with the
210 provider to make corrections necessary to ensure accurate data.

211 (d) A managing entity shall require providers specified in
212 paragraph (a) within its provider network to submit data, on an
213 annual basis, to the managing entity which aggregates the data
214 submitted and reconciled under paragraph (c). The managing
215 entity shall reconcile the data in the annual submission to the
216 data received and reconciled by the managing entity under
217 paragraph (c) to check for consistency. If the annual aggregate
218 data submitted by a provider under this paragraph are
219 inconsistent with the data received and reconciled under
220 paragraph (c), the managing entity shall consult with the
221 provider to make corrections necessary to ensure accurate data.

222 (e) After ensuring the accuracy of data pursuant to
223 paragraphs (c) and (d), the managing entity shall submit the
224 data to the department on a monthly and an annual basis. The
225 department shall create a statewide database for the data
226 described under paragraph (b) and submitted under this paragraph
227 for the purpose of analyzing the use of publicly funded crisis
228 stabilization services and detoxification and addictions
229 receiving services provided on a statewide and an individual
230 provider basis.

231 (f) The department shall post on its website, by facility,
232 the data collected pursuant to this subsection and update such

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233 posting monthly.

234 Section 7. Subsection (3) of section 394.4574, Florida
235 Statutes, is amended to read:

236 394.4574 Responsibilities for coordination of services for
237 a mental health resident who resides in an assisted living
238 facility that holds a limited mental health license.—

239 (3) The Secretary of Children and Families, in consultation
240 with the Agency for Health Care Administration, shall require
241 each district administrator to develop, with community input, a
242 detailed annual plan that demonstrates how the district will
243 ensure the provision of state-funded mental health and substance
244 abuse treatment services to residents of assisted living
245 facilities that hold a limited mental health license. This plan
246 ~~must be consistent with the substance abuse and mental health~~
247 ~~district plan developed pursuant to s. 394.75 and must address~~
248 case management services; access to consumer-operated drop-in
249 centers; access to services during evenings, weekends, and
250 holidays; supervision of the clinical needs of the residents;
251 and access to emergency psychiatric care.

252 Section 8. Subsection (3) of section 394.493, Florida
253 Statutes, is amended to read:

254 394.493 Target populations for child and adolescent mental
255 health services funded through the department.—

256 (3) Each child or adolescent who meets the target
257 population criteria of this section shall be served to the
258 extent possible within available resources ~~and consistent with~~
259 ~~the portion of the district substance abuse and mental health~~
260 ~~plan specified in s. 394.75 which pertains to child and~~
261 ~~adolescent mental health services.~~

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262 Section 9. Subsection (5) of section 394.674, Florida
263 Statutes, is amended to read:

264 394.674 Eligibility for publicly funded substance abuse and
265 mental health services; fee collection requirements.-

266 (5) A person who meets the eligibility criteria in
267 subsection (1) shall be served ~~in accordance with the~~
268 ~~appropriate district substance abuse and mental health services~~
269 ~~plan specified in s. 394.75~~ and within available resources.

270 Section 10. For the purpose of incorporating the amendments
271 made by this act to section 394.9082, Florida Statutes, in a
272 reference thereto, paragraph (a) of subsection (3) of section
273 394.9086, Florida Statutes, is reenacted to read:

274 394.9086 Commission on Mental Health and Substance Abuse.-

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

276 (a) The commission shall be composed of 19 members as
277 follows:

278 1. A member of the Senate, appointed by the President of
279 the Senate.

280 2. A member of the House of Representatives, appointed by
281 the Speaker of the House of Representatives.

282 3. The Secretary of Children and Families or his or her
283 designee.

284 4. The Secretary of the Agency for Health Care
285 Administration or his or her designee.

286 5. A person living with a mental health disorder, appointed
287 by the President of the Senate.

288 6. A family member of a consumer of publicly funded mental
289 health services, appointed by the President of the Senate.

290 7. A representative of the Louis de la Parte Florida Mental

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291 Health Institute within the University of South Florida,
292 appointed by the President of the Senate.

293 8. A representative of a county school district, appointed
294 by the President of the Senate.

295 9. A representative of mental health courts, appointed by
296 the Governor.

297 10. A representative of a treatment facility, as defined in
298 s. 394.455, appointed by the Speaker of the House of
299 Representatives.

300 11. A representative of a managing entity, as defined in s.
301 394.9082(2), appointed by the Speaker of the House of
302 Representatives.

303 12. A representative of a community substance abuse
304 provider, appointed by the Speaker of the House of
305 Representatives.

306 13. A psychiatrist licensed under chapter 458 or chapter
307 459 practicing within the mental health delivery system,
308 appointed by the Speaker of the House of Representatives.

309 14. A psychologist licensed under chapter 490 practicing
310 within the mental health delivery system, appointed by the
311 Governor.

312 15. A mental health professional licensed under chapter
313 491, appointed by the Governor.

314 16. An emergency room physician, appointed by the Governor.

315 17. A representative from the field of law enforcement,
316 appointed by the Governor.

317 18. A representative from the criminal justice system,
318 appointed by the Governor.

319 19. A representative of a child welfare agency involved in

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320 the delivery of behavioral health services, appointed by the
321 Governor.

322 Section 11. For the purpose of incorporating the amendments
323 made by this act to section 394.9082, Florida Statutes, in a
324 reference thereto, subsection (6) of section 394.9087, Florida
325 Statutes, is reenacted to read:

326 394.9087 Florida Veterans' Care Coordination Program.—

327 (6) Florida 211 Network participants in the Florida
328 Veterans' Care Coordination Program shall maintain a database of
329 veteran-specific services available in the communities served by
330 the programs. The Department of Veterans' Affairs and its
331 selected contractor shall work with managing entities as defined
332 in s. 394.9082(2) to educate service providers about the Florida
333 Veterans Support Line and the Florida Veterans' Care
334 Coordination Program.

335 Section 12. This act shall take effect July 1, 2023.