

By the Committee on Children, Families, and Elder Affairs; and
Senator Rouson

586-03543-23

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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 amending s. 394.9082, F.S.; revising the duties of the
9 department; revising department requirements for, and
10 authorizations relating to, contracting with managing
11 entities; requiring the department to review
12 assessments, in consultation with the managing
13 entities, for inclusion in the department's
14 legislative budget request; revising managing entity
15 duties; revising the timeframe for annually submitting
16 enhancement plans; revising requirements relating to
17 the acute care services utilization database;
18 providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Subsection (2) of section 394.494, Florida
23 Statutes, is amended to read:

24 394.494 General performance outcomes for the child and
25 adolescent mental health treatment and support system.—

26 (2) Annually, pursuant to former s. 216.0166, the
27 department shall develop ~~more~~ specific performance outcomes and
28 performance measures to assess the performance of the child and
29 adolescent mental health treatment and support system in

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30 achieving the intent of this section.

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

33 394.4955 Coordinated system of care; child and adolescent
34 mental health treatment and support.—

35 (1) Pursuant to s. 394.9082(5)(d), each managing entity
36 shall lead the development and implementation ~~of a plan that~~
37 ~~promotes the development and effective implementation~~ of a
38 coordinated system of care which integrates services provided
39 through providers funded by the state's child-serving systems
40 and facilitates access by children and adolescents, as resources
41 permit, to needed mental health treatment and services at any
42 point of entry regardless of the time of year, intensity, or
43 complexity of the need, and other systems with which such
44 children and adolescents are involved, as well as treatment and
45 services available through other systems for which they would
46 qualify.

47 Section 3. Paragraphs (b) and (j) of subsection (4),
48 paragraph (b) of subsection (5), paragraph (b) of subsection
49 (6), and subsections (8) and (10) of section 394.9082, Florida
50 Statutes, are amended, and paragraph (n) is added to subsection
51 (3) and paragraph (v) is added to subsection (5) of that
52 section, to read:

53 394.9082 Behavioral health managing entities.—

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

55 (n) Complete an analysis of the use of funding designations
56 and contract deliverables with the managing entities every 3
57 years.

58 (4) CONTRACT WITH MANAGING ENTITIES.—

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59 (b) The department shall issue an invitation to negotiate
60 under s. 287.057 to select an organization to serve as a
61 managing entity. If the department receives fewer than two
62 responsive bids to the solicitation, the department may ~~shall~~
63 reissue the solicitation and managed behavioral health
64 organizations shall be eligible to bid and be awarded a
65 contract.

66 (j) ~~By June 30, 2019,~~ If ~~all other~~ contract requirements
67 and performance standards are met and the department determines
68 that a managing entity under contract as of July 1, 2016, has
69 received network accreditation pursuant to subsection (6), the
70 department may continue its contract with the managing entity
71 for up to, but not exceeding, 5 years, including any and all
72 renewals and extensions. Thereafter, the department must issue a
73 competitive solicitation pursuant to paragraph (b).

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

75 (b) Conduct a community behavioral health care needs
76 assessment every 3 years in the geographic area served by the
77 managing entity which identifies needs by subregion. The process
78 for conducting the needs assessment shall include an opportunity
79 for public participation. The assessment shall include, at a
80 minimum, the information the department needs for its annual
81 report to the Governor and Legislature pursuant to s. 394.4573.
82 The assessment shall also include a list and descriptions of any
83 gaps in the arrays of services for children or adolescents
84 identified pursuant to s. 394.4955 and recommendations for
85 addressing such gaps. The managing entity shall provide the
86 needs assessment to the department. The department, in
87 consultation with the managing entities, shall review such

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88 assessments for inclusion in the department's legislative budget
89 request.

90 (v) Collaborate with county emergency operation centers to
91 identify contracted provider organizations that are deemed
92 essential for critical public health infrastructure.

93 (6) NETWORK ACCREDITATION AND SYSTEMS COORDINATION
94 AGREEMENTS.—

95 (b) If no accreditations are available or deemed acceptable
96 pursuant to paragraph (a) which address coordination between the
97 provider network and major systems and programs with which the
98 provider network interacts, each managing entity shall enter
99 into memoranda of understanding which details mechanisms for
100 communication and coordination. The managing entity shall enter
101 into such memoranda with any community-based care lead agencies,
102 circuit courts, county courts, sheriffs' offices, offices of the
103 public defender, offices of criminal conflict and civil regional
104 counsel, Medicaid managed medical assistance plans, and homeless
105 coalitions in its service area. ~~Each managing entity under~~
106 ~~contract on July 1, 2016, shall enter into such memoranda by~~
107 ~~June 30, 2017, and~~ Each managing entity under contract after
108 July 1, 2016, shall enter into such memoranda within 1 year
109 after its contract execution date.

110 (8) ENHANCEMENT PLANS.—By June ~~September~~ 1 of each year,
111 ~~beginning in 2017,~~ each managing entity shall develop and submit
112 to the department a description of strategies for enhancing
113 services and addressing three to five priority needs in the
114 service area. The planning process sponsored by the managing
115 entity shall include consumers and their families, community-
116 based care lead agencies, local governments, law enforcement

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117 agencies, service providers, community partners and other
118 stakeholders. Each strategy must be described in detail and
119 accompanied by an implementation plan that specifies action
120 steps, identifies responsible parties, and delineates specific
121 services that would be purchased, projected costs, the projected
122 number of individuals that would be served, and the estimated
123 benefits of the services. The department shall consider
124 enhancement plans submitted by the managing entities in the
125 department's legislative budget request ~~All or parts of these~~
126 ~~enhancement plans may be included in the department's annual~~
127 ~~budget requests submitted to the Legislature.~~

128 (10) ACUTE CARE SERVICES UTILIZATION DATABASE.—The
129 department shall develop, implement, and maintain standards
130 under which a managing entity shall collect utilization data
131 from all contracted public receiving facilities situated within
132 its geographical service area and all detoxification and
133 addictions receiving facilities under contract with the managing
134 entity. As used in this subsection, the term "public receiving
135 facility" means an entity that meets the licensure requirements
136 of, and is designated by, the department to operate as a public
137 receiving facility under s. 394.875 and that is operating as a
138 licensed crisis stabilization unit.

139 (a) The department shall develop standards and protocols to
140 be used for data collection, storage, transmittal, and analysis.
141 The standards and protocols shall allow for compatibility of
142 data and data transmittal between public receiving facilities,
143 detoxification facilities, addictions receiving facilities,
144 managing entities, and the department for the implementation,
145 and to meet the requirements, of this subsection.

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

149 1. All admissions and discharges of clients receiving
150 public receiving facility services who qualify as indigent, as
151 defined in s. 394.4787.

152 2. All admissions and discharges of clients receiving
153 substance abuse services in an addictions receiving facility or
154 detoxification facility pursuant to parts IV and V of chapter
155 397 who qualify as indigent.

156 3. The current active census of total licensed beds, the
157 number of beds purchased by the department, the number of
158 clients qualifying as indigent occupying those beds, and the
159 total number of unoccupied licensed beds, regardless of funding.

160 (c) A managing entity shall require providers specified in
161 paragraph (a) to submit data, on a monthly basis, to the
162 managing entity which aggregates the daily data submitted under
163 paragraph (b). The managing entity shall reconcile the data in
164 the monthly submission to the data received by the managing
165 entity under paragraph (b) to check for consistency. If the
166 monthly aggregate data submitted by a provider under this
167 paragraph are inconsistent with the daily data submitted under
168 paragraph (b), the managing entity shall consult with the
169 provider to make corrections necessary to ensure accurate data.

170 (d) A managing entity shall require providers specified in
171 paragraph (a) within its provider network to submit data, on an
172 annual basis, to the managing entity which aggregates the data
173 submitted and reconciled under paragraph (c). The managing
174 entity shall reconcile the data in the annual submission to the

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175 data received and reconciled by the managing entity under
176 paragraph (c) to check for consistency. If the annual aggregate
177 data submitted by a provider under this paragraph are
178 inconsistent with the data received and reconciled under
179 paragraph (c), the managing entity shall consult with the
180 provider to make corrections necessary to ensure accurate data.

181 (e) After ensuring the accuracy of data pursuant to
182 paragraphs (c) and (d), the managing entity shall submit the
183 data to the department on a monthly and an annual basis. The
184 department shall create a statewide database for the data
185 described under paragraph (b) and submitted under this paragraph
186 for the purpose of analyzing the use of publicly funded crisis
187 stabilization services and detoxification and addictions
188 receiving services provided on a statewide and an individual
189 provider basis.

190 (f) The department shall post on its website, by facility,
191 the data collected pursuant to this subsection and update such
192 posting monthly.

193 Section 4. This act shall take effect July 1, 2023.