

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.