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CS/CS/HB 1477

2007 Legislature

1 A bill to be entitled
2 An act relating to forensic mental health; creating the
3 Criminal Justice, Mental Health, and Substance Abuse
4 Reinvestment Grant Program within the Department of
5 Children and Family Services; providing for the purpose of
6 the grant program; requiring the Florida Substance Abuse
7 and Mental Health Corporation, Inc., to establish a
8 statewide grant review committee; providing for membership
9 on the review committee; authorizing counties to apply for
10 a planning grant or an implementation or expansion grant;
11 requiring each county applying for a grant to have a
12 planning council or committee; providing for membership on
13 the planning council or committee; requiring that all
14 records and meetings be open to the public; requiring the
15 corporation, in collaboration with others, to develop
16 criteria to be used in reviewing submitted applications
17 and selecting counties to be awarded a planning,
18 implementation, or expansion grant; requiring counties to
19 include certain specified information when submitting the
20 grant application; prohibiting a county from using grant
21 funds to supplant existing funding; creating the Criminal
22 Justice, Mental Health, and Substance Abuse Technical
23 Assistance Center; providing for certain functions to be
24 performed by the technical assistance center; requiring
25 the technical assistance center to submit an annual report
26 to the Governor, the President of the Senate, and the
27 Speaker of the House of Representatives by a specified
28 date; specifying the information to be included in the

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29 | annual report; limiting the administrative costs a county
 30 | may charge to the grant funds; amending s. 394.655, F.S.;
 31 | expanding the ex officio membership of the Substance Abuse
 32 | and Mental Health Corporation; creating the Criminal
 33 | Justice, Mental Health, and Substance Abuse Policy Council
 34 | within the Florida Substance Abuse and Mental Health
 35 | Corporation; providing for membership; providing for the
 36 | purpose of the council; amending ss. 947.005 and 948.001,
 37 | F.S.; redefining the term "qualified practitioner";
 38 | providing a contingent effective date.

39 |

40 | Be It Enacted by the Legislature of the State of Florida:

41 |

42 | Section 1. Criminal Justice, Mental Health, and Substance
 43 | Abuse Reinvestment Grant Program.--

44 | (1) There is created within the Department of Children and
 45 | Family Services the Criminal Justice, Mental Health, and
 46 | Substance Abuse Reinvestment Grant Program. The purpose of the
 47 | program is to provide funding to counties with which they can
 48 | plan, implement, or expand initiatives that increase public
 49 | safety, avert increased spending on criminal justice, and
 50 | improve the accessibility and effectiveness of treatment
 51 | services for adults and juveniles who have a mental illness,
 52 | substance abuse disorder, or co-occurring mental health and
 53 | substance abuse disorders and who are in, or at risk of
 54 | entering, the criminal or juvenile justice systems.

55 | (2) The Florida Substance Abuse and Mental Health
 56 | Corporation, Inc., created in s. 394.655, Florida Statutes,

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57 shall establish a statewide grant review committee. The
58 committee shall include:

59 (a) Five current members or appointees of the corporation;

60 (b) One representative of the Department of Children and
61 Family Services;

62 (c) One representative of the Department of Corrections;

63 (d) One representative of the Department of Juvenile
64 Justice;

65 (e) One representative of the Department of Elderly
66 Affairs; and

67 (f) One representative of the Office of the State Courts
68 Administrator.

69
70 To the extent possible, the members of the committee shall have
71 expertise in grant writing, grant reviewing, and grant
72 application scoring.

73 (3) (a) A county may apply for a 1-year planning grant or a
74 3-year implementation or expansion grant. The purpose of the
75 grants is to demonstrate that investment in treatment efforts
76 related to mental illness, substance abuse disorders, or co-
77 occurring mental health and substance abuse disorders results in
78 a reduced demand on the resources of the judicial, corrections,
79 juvenile detention, and health and social services systems.

80 (b) To be eligible to receive a 1-year planning grant or a
81 3-year implementation or expansion grant, a county applicant
82 must have a county planning council or committee that is in
83 compliance with the membership requirements set forth in this
84 section.

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85 (4) The grant review committee shall notify the Department
 86 of Children and Family Services in writing of the names of the
 87 applicants who have been selected by the committee to receive a
 88 grant. Contingent upon the availability of funds and upon
 89 notification by the review committee of those applicants
 90 approved to receive planning, implementation, or expansion
 91 grants, the Department of Children and Family Services may
 92 transfer funds appropriated for the grant program to any county
 93 awarded a grant.

94 Section 2. County planning councils or committees.--

95 (1) Each board of county commissioners shall designate the
 96 county public safety coordinating council established under s.
 97 951.26, Florida Statutes, or designate another criminal or
 98 juvenile justice mental health and substance abuse council or
 99 committee, as the planning council or committee. The public
 100 safety coordinating council or other designated criminal or
 101 juvenile justice mental health and substance abuse council or
 102 committee, in coordination with the county offices of planning
 103 and budget, shall make a formal recommendation to the board of
 104 county commissioners regarding how the Criminal Justice, Mental
 105 Health, and Substance Abuse Reinvestment Grant Program may best
 106 be implemented within a community. The board of county
 107 commissioners may assign any entity to prepare the application
 108 on behalf of the county administration for submission to the
 109 corporation for review. A county may join with one or more
 110 counties to form a consortium and use a regional public safety
 111 coordinating council or another county-designated regional
 112 criminal or juvenile justice mental health and substance abuse

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113 planning council or committee for the geographic area
 114 represented by the member counties.
 115 (2) (a) For the purposes of this section, the membership of
 116 a designated planning council or committee must include:
 117 1. The state attorney, or an assistant state attorney
 118 designated by the state attorney.
 119 2. A public defender, or an assistant public defender
 120 designated by the public defender.
 121 3. A circuit judge designated by the chief judge of the
 122 circuit.
 123 4. A county court judge designated by the chief judge of
 124 the circuit.
 125 5. The chief correctional officer.
 126 6. The sheriff, if the sheriff is the chief correctional
 127 officer, or a person designated by the sheriff.
 128 7. The police chief, or a person designated by the local
 129 police chiefs association.
 130 8. The state probation circuit administrator, or a person
 131 designated by the state probation circuit administrator.
 132 9. The local court administrator, or a person designated
 133 by the local court administrator.
 134 10. The chairperson of the board of county commissioners,
 135 or another county commissioner designated by the chairperson,
 136 or, if the planning council is a consortium of counties, a
 137 county commissioner or designee from each member county.
 138 11. The director of any county probation or pretrial
 139 intervention program, if the county has such a program.
 140 12. The director of a local substance abuse treatment

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141 program, or a person designated by the director.

142 13. The director of a community mental health agency, or a
143 person designated by the director.

144 14. A representative of the substance abuse program office
145 and the mental health program office of the Department of
146 Children and Family Services, selected by the substance abuse
147 and mental health program supervisor of the district in which
148 the county is located.

149 15. A primary consumer of mental health services, selected
150 by the substance abuse and mental health program supervisor of
151 the district in which the primary consumer resides. If multiple
152 counties apply together, a primary consumer may be selected to
153 represent each county.

154 16. A primary consumer of substance abuse services,
155 selected by the substance abuse and mental health program
156 supervisor of the district in which the primary consumer
157 resides. If the planning council is a consortium of counties, a
158 primary consumer may be selected to represent each county.

159 17. A family member of a primary consumer of community-
160 based treatment services, selected by the abuse and mental
161 health program supervisor of the district in which the family
162 member resides.

163 18. A representative from an area homeless program or a
164 supportive housing program.

165 19. The director of the detention facility of the
166 Department of Juvenile Justice, or a person designated by the
167 director.

168 20. The chief probation officer of the Department of

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169 Juvenile Justice, or an employee designated by the chief
170 probation officer.

171 (b) The chairperson of the board of county commissioners
172 or another county commissioner, if designated, shall serve as
173 the chairperson of the planning council or committee until a
174 chairperson is elected from the membership.

175 (c) All meetings of the planning council or committee, as
176 well as its records, books, documents, and papers, shall be open
177 and available to the public in accordance with ss. 119.07 and
178 286.011, Florida Statutes.

179 (3) (a) If a public safety coordinating council established
180 under s. 951.26, Florida Statutes, acts as the planning council,
181 its membership must include all persons listed in paragraph
182 (2) (a).

183 (b) A public safety coordinating council that is acting as
184 the planning council must include an assessment of the
185 availability of mental health programs in addition to the
186 assessments required under s. 951.26(2), Florida Statutes.

187 Section 3. Criminal Justice, Mental Health, and Substance
188 Abuse Reinvestment Grant Program requirements.--

189 (1) The Substance Abuse and Mental Health Corporation
190 Statewide Grant Review Committee, in collaboration with the
191 Department of Children and Family Services, the Department of
192 Corrections, the Department of Juvenile Justice, the Department
193 of Elderly Affairs, and the Office of the State Courts
194 Administrator, shall establish criteria to be used by the
195 corporation to review submitted applications and to select the
196 county that will be awarded a 1-year planning grant or a 3-year

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197 implementation or expansion grant. A planning, implementation,
198 or expansion grant may not be awarded unless the application of
199 the county meets the established criteria.

200 (a) The application criteria for a 1-year planning grant
201 must include a requirement that the applicant county or counties
202 have a strategic plan to initiate systemic change to identify
203 and treat individuals who have a mental illness, substance abuse
204 disorder, or co-occurring mental health and substance abuse
205 disorders who are in, or at risk of entering, the criminal or
206 juvenile justice systems. The 1-year planning grant must be used
207 to develop effective collaboration efforts among participants in
208 affected governmental agencies, including the criminal,
209 juvenile, and civil justice systems, mental health and substance
210 abuse treatment service providers, transportation programs, and
211 housing assistance programs. The collaboration efforts shall be
212 the basis for developing a problem-solving model and strategic
213 plan for treating adults and juveniles who are in, or at risk of
214 entering, the criminal or juvenile justice system and doing so
215 at the earliest point of contact, taking into consideration
216 public safety. The planning grant shall include strategies to
217 divert individuals from judicial commitment to community-based
218 service programs offered by the Department of Children and
219 Family Services in accordance with ss. 916.13 and 916.17,
220 Florida Statutes.

221 (b) The application criteria for a 3-year implementation
222 or expansion grant shall require information from a county that
223 demonstrates its completion of a well-established collaboration
224 plan that includes public-private partnership models and the

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225 application of evidence-based practices. The implementation or
 226 expansion grants may support programs and diversion initiatives
 227 that include, but need not be limited to:

- 228 1. Mental health courts;
- 229 2. Diversion programs;
- 230 3. Alternative prosecution and sentencing programs;
- 231 4. Crisis intervention teams;
- 232 5. Treatment accountability services;
- 233 6. Specialized training for criminal justice, juvenile
 234 justice, and treatment services professionals;
- 235 7. Service delivery of collateral services such as
 236 housing, transitional housing, and supported employment; and
- 237 8. Reentry services to create or expand mental health and
 238 substance abuse services and supports for affected persons.

239 (c) Each county application must include the following
 240 information:

- 241 1. An analysis of the current population of the jail and
 242 juvenile detention center in the county, which includes:
 - 243 a. The screening and assessment process that the county
 244 uses to identify an adult or juvenile who has a mental illness,
 245 substance abuse disorder, or co-occurring mental health and
 246 substance abuse disorders;
 - 247 b. The percentage of each category of persons admitted to
 248 the jail and juvenile detention center that represents people
 249 who have a mental illness, substance abuse disorder, or co-
 250 occurring mental health and substance abuse disorders; and
 - 251 c. An analysis of observed contributing factors that
 252 affect population trends in the county jail and juvenile

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253 detention center.

254 2. A description of the strategies the county intends to
255 use to serve one or more clearly defined subsets of the
256 population of the jail and juvenile detention center who have a
257 mental illness or to serve those at risk of arrest and
258 incarceration. The proposed strategies may include identifying
259 the population designated to receive the new interventions, a
260 description of the services and supervision methods to be
261 applied to that population, and the goals and measurable
262 objectives of the new interventions. The interventions a county
263 may use with the target population may include, but are not
264 limited to:

265 a. Specialized responses by law enforcement agencies;
266 b. Centralized receiving facilities for individuals
267 evidencing behavioral difficulties;
268 c. Post-booking alternatives to incarceration;
269 d. New court programs, including pretrial services and
270 specialized dockets;
271 e. Specialized diversion programs;
272 f. Intensified transition services that are directed to
273 the designated populations while they are in jail or juvenile
274 detention to facilitate their transition to the community;
275 g. Specialized probation processes;
276 h. Day-reporting centers;
277 i. Linkages to community-based, evidence-based treatment
278 programs for adults and juveniles who have mental illness or
279 substance abuse disorders; and
280 j. Community services and programs designed to prevent

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281 high-risk populations from becoming involved in the criminal or
282 juvenile justice system.

283 3. The projected effect the proposed initiatives will have
284 on the population and the budget of the jail and juvenile
285 detention center. The information must include:

286 a. The county's estimate of how the initiative will reduce
287 the expenditures associated with the incarceration of adults and
288 the detention of juveniles who have a mental illness;

289 b. The methodology that the county intends to use to
290 measure the defined outcomes and the corresponding savings or
291 averted costs;

292 c. The county's estimate of how the cost savings or
293 averted costs will sustain or expand the mental health and
294 substance abuse treatment services and supports needed in the
295 community; and

296 d. How the county's proposed initiative will reduce the
297 number of individuals judicially committed to a state mental
298 health treatment facility.

299 4. The proposed strategies that the county intends to use
300 to preserve and enhance its community mental health and
301 substance abuse system, which serves as the local behavioral
302 health safety net for low-income and uninsured individuals.

303 5. The proposed strategies that the county intends to use
304 to continue the implemented or expanded programs and initiatives
305 that have resulted from the grant funding.

306 (2) (a) As used in this subsection, the term "available
307 resources" includes in-kind contributions from participating
308 counties.

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309 (b) A 1-year planning grant may not be awarded unless the
310 applicant county makes available resources in an amount equal to
311 the total amount of the grant. A planning grant may not be used
312 to supplant funding for existing programs. For fiscally
313 constrained counties, the available resources may be at 50
314 percent of the total amount of the grant.

315 (c) A 3-year implementation or expansion grant may not be
316 awarded unless the applicant county or consortium of counties
317 makes available resources equal to the total amount of the
318 grant. For fiscally constrained counties, the available
319 resources may be at 50 percent of the total amount of the grant.
320 This match shall be used for expansion of services and may not
321 supplant existing funds for services. An implementation or
322 expansion grant must support the implementation of new services
323 or the expansion of services and may not be used to supplant
324 existing services.

325 (3) Using the criteria adopted by rule, the county
326 designated or established criminal justice, juvenile justice,
327 mental health, and substance abuse planning council or committee
328 shall prepare the county or counties' application for the 1-year
329 planning or 3-year implementation or expansion grant. The county
330 shall submit the completed application to the statewide grant
331 review committee.

332 Section 4. Criminal Justice, Mental Health, and Substance
333 Abuse Technical Assistance Center.--

334 (1) There is created a Criminal Justice, Mental Health,
335 and Substance Abuse Technical Assistance Center at the Louis de
336 la Parte Florida Mental Health Institute at the University of

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337 South Florida, which shall:

338 (a) Provide technical assistance to counties in preparing
339 a grant application.

340 (b) Assist an applicant county in projecting the effect of
341 the proposed intervention on the population of the county
342 detention facility.

343 (c) Assist an applicant county in monitoring the effect of
344 a grant award on the criminal justice system in the county.

345 (d) Disseminate and share evidence-based practices and
346 best practices among grantees.

347 (e) Act as a clearinghouse for information and resources
348 related to criminal justice, juvenile justice, mental health,
349 and substance abuse.

350 (f) Coordinate and organize the process of the state
351 interagency justice, mental health, and substance abuse work
352 group with the outcomes of the local grant projects for state
353 and local policy and budget developments and system planning.

354 (2) The Substance Abuse and Mental Health Corporation and
355 the Criminal Justice, Mental Health, and Substance Abuse
356 Technical Assistance Center shall submit an annual report to the
357 Governor, the President of the Senate, and the Speaker of the
358 House of Representatives by January 1 of each year, beginning on
359 January 1, 2009. The report must include:

360 (a) A detailed description of the progress made by each
361 grantee in meeting the goals described in the application;

362 (b) A description of the effect the grant-funded
363 initiatives have had on meeting the needs of adults and
364 juveniles who have a mental illness, substance abuse disorder,

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365 or co-occurring mental health and substance abuse disorders,
366 thereby reducing the number of forensic commitments to state
367 mental health treatment facilities;

368 (c) A summary of the effect of the grant program on the
369 growth and expenditures of the jail, juvenile detention center,
370 and prison;

371 (d) A summary of the initiative's effect on the
372 availability and accessibility of effective community-based
373 mental health and substance abuse treatment services for adults
374 and juveniles who have a mental illness, substance abuse
375 disorder, or co-occurring mental health and substance abuse
376 disorders. The summary must describe how the expanded community
377 diversion alternatives have reduced incarceration and
378 commitments to state mental health treatment facilities; and

379 (e) A summary of how the local matching funds provided by
380 the county or consortium of counties leveraged additional
381 funding to further the goals of the grant program.

382 Section 5. Administrative costs and number of grants
383 awarded.--

384 (1) The administrative costs for each applicant county or
385 consortium of counties may not exceed 10 percent of the total
386 funding received for any grant.

387 (2) The number of grants awarded shall be based on funding
388 appropriated for that purpose.

389 Section 6. Paragraph (a) of subsection (6) of section
390 394.655, Florida Statutes, is amended, subsection (11) is
391 renumbered as subsection (12), and a new subsection (11) is
392 added to that section, to read:

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393 394.655 The Substance Abuse and Mental Health Corporation;
394 powers and duties; composition; evaluation and reporting
395 requirements.--

396 (6) (a) The corporation shall be comprised of 12 members,
397 each appointed to a 2-year term, with not more than three
398 subsequent reappointments, except that initial legislative
399 appointments shall be for 3-year terms. Four members shall be
400 appointed by the Governor, four members shall be appointed by
401 the President of the Senate, and four members shall be appointed
402 by the Speaker of the House of Representatives.

403 1. The four members appointed by the Governor must be
404 prominent community or business leaders, two of whom must have
405 experience and interest in substance abuse and two of whom must
406 have experience and interest in mental health.

407 2. Of the four members appointed by the President of the
408 Senate, one member must represent the perspective of community-
409 based care under chapter 409, one member must be a primary
410 consumer or family member of a primary consumer of mental health
411 services, and two members must be prominent community or
412 business leaders, one of whom must have experience and interest
413 in substance abuse and one of whom must have experience and
414 interest in mental health.

415 3. Of the four members appointed by the Speaker of the
416 House of Representatives, one member must be a primary consumer
417 or family member of a primary consumer of substance abuse
418 services, one member must represent the perspective of the
419 criminal justice system, and two members must be prominent
420 community or business leaders, one of whom must have experience

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421 and interest in substance abuse and one of whom must have
422 experience and interest in mental health. The Secretary of
423 Children and Family Services, or his or her designee, the
424 Secretary of Elderly Affairs, or his or her designee, the
425 Secretary of Health Care Administration, or his or her designee,
426 and a representative of local government designated by the
427 Florida Association of Counties shall serve as ex officio
428 members of the corporation.

429 (11) (a) There is established a Criminal Justice, Mental
430 Health, and Substance Abuse Policy Council within the Florida
431 Substance Abuse and Mental Health Corporation. The members of
432 the council are:

- 433 1. The chairperson of the corporation;
- 434 2. The Secretary of Children and Family Services;
- 435 3. The Secretary of Corrections;
- 436 4. The Secretary of Health Care Administration;
- 437 5. The Secretary of Juvenile Justice;
- 438 6. The Secretary of Elderly Affairs; and
- 439 7. The State Courts Administrator.

440 (b) The purpose of the council shall be to align policy
441 initiatives in the criminal justice, juvenile justice, and
442 mental health systems to ensure the most effective use of
443 resources and to coordinate the development of legislative
444 proposals and budget requests relating to the shared needs of
445 adults and juveniles who have a mental illness, substance abuse
446 disorder, or co-occurring mental health and substance abuse
447 disorders who are in, or at risk of entering, the criminal
448 justice system.

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449 (c) The council shall work in conjunction with counties
 450 that have been awarded a Criminal Justice, Mental Health, and
 451 Substance Abuse Reinvestment grant to ensure that effective
 452 strategies identified by those counties are disseminated
 453 statewide and to establish a dialogue for purposes of policy and
 454 budget development and system change and improvement. The
 455 council shall coordinate its efforts with the Criminal Justice,
 456 Mental Health, and Substance Abuse Technical Assistance Center.

457 (d) Each member agency of the council shall designate an
 458 agency liaison to assist in the work of the council.

459 Section 7. Subsection (9) of section 947.005, Florida
 460 Statutes, is amended to read:

461 947.005 Definitions.--As used in this chapter, unless the
 462 context clearly indicates otherwise:

463 (9) "Qualified practitioner" means a psychiatrist licensed
 464 under chapter 458 or chapter 459, a psychologist licensed under
 465 chapter 490, or a social worker, a mental health counselor, or a
 466 marriage and family therapist licensed under chapter 491 who
 467 practices in accordance with his or her respective practice act,
 468 ~~as determined by rule of the respective boards, has the~~
 469 ~~coursework, training, qualifications, and experience to evaluate~~
 470 ~~and treat sex offenders.~~

471 Section 8. Subsection (6) of section 948.001, Florida
 472 Statutes, is amended to read:

473 948.001 Definitions.--As used in this chapter, the term:

474 (6) "Qualified practitioner" means a psychiatrist licensed
 475 under chapter 458 or chapter 459, a psychologist licensed under
 476 chapter 490, or a social worker, a mental health counselor, or a

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477 marriage and family therapist licensed under chapter 491 who
478 practices in accordance with his or her respective practice act,
479 ~~as determined by rule of the respective boards, has the~~
480 ~~coursework, training, qualifications, and experience to evaluate~~
481 ~~and treat sex offenders.~~

482 Section 9. This act shall take effect July 1, 2007, only
483 if a specific appropriation to fund the provisions of the act is
484 made in the General Appropriations Act for fiscal year 2007-
485 2008.