

1 A bill to be entitled
2 An act relating to substance abuse and mental health;
3 amending s. 394.455, F.S.; revising the definition of
4 "mental illness;" amending s. 394.495, F.S.; revising
5 the counties that a community action treatment team
6 must serve; amending s. 394.656, F.S.; revising
7 membership and duties of the Criminal Justice, Mental
8 Health, and Substance Abuse Statewide Grant Advisory
9 Committee; authorizing additional entities that may
10 apply for a grant on behalf of a county; providing for
11 selection of grant recipients; amending s. 394.657,
12 F.S.; conforming provisions to changes made by the
13 act; amending s. 394.658, F.S.; revising requirements
14 of the Criminal Justice, Mental Health, and Substance
15 Abuse Reinvestment Grant Program; amending s. 394.674,
16 F.S.; revising eligibility requirements for
17 department-funded substance abuse and mental health
18 services; providing priority for specified
19 individuals; amending s. 394.908, F.S.; revising a
20 definition; revising requirements for substance abuse
21 and mental health funding equity; amending s. 397.321,
22 F.S.; removing the requirement that the department
23 develop a certification process for community
24 substance abuse prevention coalitions; amending s.
25 397.99, F.S.; requiring managing entities under

26 contract with the department to use a specified
27 process for school substance abuse prevention
28 partnership grants; amending s. 916.111, F.S.;
29 requiring the department to provide refresher training
30 for specified mental health professionals; providing
31 requirements for such training; amending s. 916.115,
32 F.S.; revising requirements for the appointment of
33 experts to evaluate certain defendants; providing an
34 effective date.

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36 Be It Enacted by the Legislature of the State of Florida:

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38 Section 1. Subsection (28) of section 394.455, Florida
39 Statutes, is amended to read:

40 394.455 Definitions.—As used in this part, the term:

41 (28) "Mental illness" means an impairment of the mental or
42 emotional processes that exercise conscious control of one's
43 actions or of the ability to perceive or understand reality,
44 which impairment substantially interferes with the person's
45 ability to meet the ordinary demands of living. For the purposes
46 of this part, the term does not include a developmental
47 disability as defined in chapter 393, intoxication, or
48 conditions manifested only by antisocial behavior, dementia,
49 traumatic brain injury, or substance abuse.

50 Section 2. Paragraph (e) of subsection (6) of section

51 | 394.495, Florida Statutes, is amended to read:

52 | 394.495 Child and adolescent mental health system of care;
53 | programs and services.—

54 | (6) The department shall contract for community action
55 | treatment teams throughout the state with the managing entities.

56 | A community action treatment team shall:

57 | (e)1. Subject to appropriations and at a minimum,
58 | individually serve each of the following counties or regions:

59 | a. Alachua.

60 | b. Alachua, Columbia, Dixie, Hamilton, Lafayette, and
61 | Suwannee.

62 | c. Bay.

63 | d. Brevard.

64 | e. Charlotte.

65 | ~~f.e.~~ Collier.

66 | ~~g.f.~~ DeSoto and Sarasota.

67 | ~~h.g.~~ Duval.

68 | ~~i.h.~~ Escambia.

69 | ~~j.i.~~ Hardee, Highlands, and Polk.

70 | ~~k.j.~~ Hillsborough.

71 | ~~l.k.~~ Indian River, Martin, Okeechobee, and St. Lucie.

72 | ~~m.l.~~ Lake and Sumter.

73 | ~~n.m.~~ Lee.

74 | o. Leon.

75 | ~~p.n.~~ Manatee.

- 76 ~~q.e.~~ Marion.
- 77 ~~r.p.~~ Miami-Dade.
- 78 ~~s.g.~~ Okaloosa.
- 79 ~~t.f.~~ Orange.
- 80 ~~u.s.~~ Palm Beach.
- 81 ~~v.t.~~ Pasco.
- 82 ~~w.u.~~ Pinellas.
- 83 ~~x.v.~~ Walton.

84 2. Subject to appropriations, the department shall
 85 contract for additional teams through the managing entities to
 86 ensure the availability of community action treatment team
 87 services in the remaining areas of the state.

88 Section 3. Section 394.656, Florida Statutes, is amended
 89 to read:

90 394.656 Criminal Justice, Mental Health, and Substance
 91 Abuse Reinvestment Grant Program.—

92 (1) There is created within the Department of Children and
 93 Families the Criminal Justice, Mental Health, and Substance
 94 Abuse Reinvestment Grant Program. The purpose of the program is
 95 to provide funding to counties which they may use to plan,
 96 implement, or expand initiatives that increase public safety,
 97 avert increased spending on criminal justice, and improve the
 98 accessibility and effectiveness of treatment services for adults
 99 and juveniles who have a mental illness, substance use ~~abuse~~
 100 disorder, or co-occurring mental health and substance use ~~abuse~~

101 disorders and who are in, or at risk of entering, the criminal
 102 or juvenile justice systems.

103 (2) The department shall establish a Criminal Justice,
 104 Mental Health, and Substance Abuse Statewide Grant Advisory
 105 ~~Review~~ Committee. The committee shall include:

106 (a) One representative of the Department of Children and
 107 Families.~~†~~

108 (b) One representative of the Department of Corrections.~~†~~

109 (c) One representative of the Department of Juvenile
 110 Justice.~~†~~

111 (d) One representative of the Department of Elderly
 112 Affairs.~~†~~

113 (e) One representative of the Office of the State Courts
 114 Administrator.~~†~~

115 (f) One representative of the Department of Veterans'
 116 Affairs.~~†~~

117 (g) One representative of the Florida Sheriffs
 118 Association.~~†~~

119 (h) One representative of the Florida Police Chiefs
 120 Association.~~†~~

121 (i) One representative of the Florida Association of
 122 Counties.~~†~~

123 (j) One representative of the Florida Behavioral Health
 124 ~~Alcohol and Drug Abuse~~ Association.~~†~~

125 (k) One representative of the Florida Association of

126 Managing Entities.†

127 ~~(1) One representative of the Florida Council for~~
 128 ~~Community Mental Health;~~

129 (1)~~(m)~~ One representative of the National Alliance of
 130 Mental Illness.†

131 (m)~~(n)~~ One representative of the Florida Prosecuting
 132 Attorneys Association.†

133 (n)~~(o)~~ One representative of the Florida Public Defender
 134 Association; ~~and~~

135 ~~(p) One administrator of an assisted living facility that~~
 136 ~~holds a limited mental health license.~~

137 (3) The committee shall serve as the advisory body to
 138 review policy and funding issues that help reduce the impact of
 139 persons with mental illness and substance use ~~abuse~~ disorders on
 140 communities, criminal justice agencies, and the court system.
 141 The committee shall advise the department in selecting
 142 priorities for grants ~~and investing awarded grant moneys.~~

143 (4) The committee must have experience in substance use
 144 and mental health disorders, community corrections, and law
 145 enforcement. ~~To the extent possible, the committee shall have~~
 146 ~~expertise in grant review and grant application scoring.~~

147 (5) (a) A county, a consortium of counties, or an ~~a not-~~
 148 ~~for-profit community provider or managing~~ entity designated by
 149 the county planning council or committee~~,~~ as described in s.
 150 394.657, may apply for a 1-year planning grant or a 3-year

151 implementation or expansion grant. The purpose of the grants is
152 to demonstrate that investment in treatment efforts related to
153 mental illness, substance use ~~abuse~~ disorders, or co-occurring
154 mental health and substance use ~~abuse~~ disorders results in a
155 reduced demand on the resources of the judicial, corrections,
156 juvenile detention, and health and social services systems.

157 (b) To be eligible to receive a ~~1-year planning grant or a~~
158 ~~3-year implementation or expansion grant~~:

159 1. An A-county applicant must have a planning council or
160 committee that is in compliance with the membership requirements
161 set forth in this section.

162 2. A county planning council or committee may designate a
163 not-for-profit community provider, a ~~or~~ managing entity as
164 defined in s. 394.9082, the county sheriff or his or her
165 designee, or a local law enforcement agency to apply on behalf
166 of the county. The county planning council or committee must
167 provide ~~must be designated by the county planning council or~~
168 ~~committee and have written authorization to submit an~~
169 ~~application. A not-for-profit community provider or managing~~
170 ~~entity must have~~ written authorization for each designated
171 entity and each submitted application.

172 (c) The department may award a 3-year implementation or
173 expansion grant to an applicant who has not received a 1-year
174 planning grant.

175 (d) The department may require an applicant to conduct

176 sequential intercept mapping for a project. For purposes of this
177 paragraph, the term "sequential intercept mapping" means a
178 process for reviewing a local community's mental health,
179 substance abuse, criminal justice, and related systems and
180 identifying points of interceptions where interventions may be
181 made to prevent an individual with a substance use ~~abuse~~
182 disorder or mental illness from deeper involvement in the
183 criminal justice system.

184 (6) The department ~~grant review and selection committee~~
185 shall select the grant recipients in collaboration with the
186 Department of Corrections, the Department of Juvenile Justice,
187 the Department of Elderly Affairs, the Office of the State
188 Courts Administrator, and the Department of Veterans' Affairs
189 ~~and notify the department in writing of the recipients' names.~~
190 Contingent upon the availability of funds ~~and upon notification~~
191 ~~by the grant review and selection committee of those applicants~~
192 ~~approved to receive planning, implementation, or expansion~~
193 ~~grants,~~ the department may transfer funds appropriated for the
194 grant program to a selected grant recipient.

195 Section 4. Subsection (1) of section 394.657, Florida
196 Statutes, is amended to read:

197 394.657 County planning councils or committees.—

198 (1) Each board of county commissioners shall designate the
199 county public safety coordinating council established under s.
200 951.26, or designate another criminal or juvenile justice mental

201 health and substance abuse council or committee, as the planning
 202 council or committee. The public safety coordinating council or
 203 other designated criminal or juvenile justice mental health and
 204 substance abuse council or committee, in coordination with the
 205 county offices of planning and budget, shall make a formal
 206 recommendation to the board of county commissioners regarding
 207 how the Criminal Justice, Mental Health, and Substance Abuse
 208 Reinvestment Grant Program may best be implemented within a
 209 community. The board of county commissioners may assign any
 210 entity to prepare the application on behalf of the county
 211 administration for submission to the Criminal Justice, Mental
 212 Health, and Substance Abuse Statewide Grant Advisory Review
 213 Committee for review. A county may join with one or more
 214 counties to form a consortium and use a regional public safety
 215 coordinating council or another county-designated regional
 216 criminal or juvenile justice mental health and substance abuse
 217 planning council or committee for the geographic area
 218 represented by the member counties.

219 Section 5. Section 394.658, Florida Statutes, is amended
 220 to read:

221 394.658 Criminal Justice, Mental Health, and Substance
 222 Abuse Reinvestment Grant Program requirements.—

223 (1) ~~The Criminal Justice, Mental Health, and Substance~~
 224 ~~Abuse Statewide Grant Review Committee, in collaboration with~~
 225 ~~the department of Children and Families, in collaboration with~~

226 the Department of Corrections, the Department of Juvenile
227 Justice, the Department of Elderly Affairs, the Department of
228 Veterans' Affairs, and the Office of the State Courts
229 Administrator, shall establish criteria to be used to review
230 submitted applications and to select a ~~the~~ county that will be
231 awarded a 1-year planning grant or a 3-year implementation or
232 expansion grant. A planning, implementation, or expansion grant
233 may not be awarded unless the application of the county meets
234 the established criteria.

235 (a) The application criteria for a 1-year planning grant
236 must include a requirement that the applicant ~~county or counties~~
237 have a strategic plan to initiate systemic change to identify
238 and treat individuals who have a mental illness, substance use
239 ~~abuse~~ disorder, or co-occurring mental health and substance use
240 ~~abuse~~ disorders who are in, or at risk of entering, the criminal
241 or juvenile justice systems. The 1-year planning grant must be
242 used to develop effective collaboration efforts among
243 participants in affected governmental agencies, including the
244 criminal, juvenile, and civil justice systems, mental health and
245 substance abuse treatment service providers, transportation
246 programs, and housing assistance programs. The collaboration
247 efforts shall be the basis for developing a problem-solving
248 model and strategic plan for treating individuals ~~adults and~~
249 ~~juveniles~~ who are in, or at risk of entering, the criminal or
250 juvenile justice system and doing so at the earliest point of

251 contact, taking into consideration public safety. The planning
 252 grant shall include strategies to divert individuals from
 253 judicial commitment to community-based service programs offered
 254 by the department ~~of Children and Families~~ in accordance with
 255 ss. 916.13 and 916.17.

256 (b) The application criteria for a 3-year implementation
 257 or expansion grant must ~~shall~~ require that the applicant
 258 ~~information from a county that~~ demonstrates its completion of a
 259 well-established collaboration plan that includes public-private
 260 partnership models and the application of evidence-based
 261 practices. The implementation or expansion grants may support
 262 programs and diversion initiatives that include, but need not be
 263 limited to:

- 264 1. Mental health courts.†
- 265 2. Diversion programs.†
- 266 3. Alternative prosecution and sentencing programs.†
- 267 4. Crisis intervention teams.†
- 268 5. Treatment accountability services.†
- 269 6. Specialized training for criminal justice, juvenile
 270 justice, and treatment services professionals.†
- 271 7. Service delivery of collateral services such as
 272 housing, transitional housing, and supported employment.† ~~and~~
- 273 8. Reentry services to create or expand mental health and
 274 substance abuse services and supports for affected persons.

275 (c) Each ~~county~~ application must include the following

276 information:

277 1. An analysis of the current population of the jail and
278 juvenile detention center in the county, which includes:

279 a. The screening and assessment process that the county
280 uses to identify an adult or juvenile who has a mental illness,
281 substance use ~~abuse~~ disorder, or co-occurring mental health and
282 substance use ~~abuse~~ disorders. ~~;~~

283 b. The percentage of each category of individuals ~~persons~~
284 admitted to the jail and juvenile detention center that
285 represents people who have a mental illness, substance use ~~abuse~~
286 disorder, or co-occurring mental health and substance use ~~abuse~~
287 disorders. ~~;~~ ~~and~~

288 c. An analysis of observed contributing factors that
289 affect population trends in the county jail and juvenile
290 detention center.

291 2. A description of the strategies the applicant ~~county~~
292 intends to use to serve one or more clearly defined subsets of
293 the population of the jail and juvenile detention center who
294 have a mental illness or to serve those at risk of arrest and
295 incarceration. The proposed strategies may include identifying
296 the population designated to receive the new interventions, a
297 description of the services and supervision methods to be
298 applied to that population, and the goals and measurable
299 objectives of the new interventions. An applicant ~~The~~
300 ~~interventions a county may use with the target population may~~

301 use include, but are not limited to, the following
 302 interventions:

303 a. Specialized responses by law enforcement agencies.†

304 b. Centralized receiving facilities for individuals
 305 evidencing behavioral difficulties.†

306 c. Postbooking alternatives to incarceration.†

307 d. New court programs, including pretrial services and
 308 specialized dockets.†

309 e. Specialized diversion programs.†

310 f. Intensified transition services that are directed to
 311 the designated populations while they are in jail or juvenile
 312 detention to facilitate their transition to the community.†

313 g. Specialized probation processes.†

314 h. Day-reporting centers.†

315 i. Linkages to community-based, evidence-based treatment
 316 programs for adults and juveniles who have mental illness or
 317 substance use ~~abuse~~ disorders.† ~~and~~

318 j. Community services and programs designed to prevent
 319 high-risk populations from becoming involved in the criminal or
 320 juvenile justice system.

321 3. The projected effect the proposed initiatives will have
 322 on the population and the budget of the jail and juvenile
 323 detention center. The information must include:

324 a. An ~~The county's~~ estimate of how the initiative will
 325 reduce the expenditures associated with the incarceration of

326 adults and the detention of juveniles who have a mental
 327 illness.~~†~~

328 b. The methodology that will be used ~~the county intends to~~
 329 ~~use~~ to measure the defined outcomes and the corresponding
 330 savings or averted costs.~~†~~

331 c. An ~~The county's~~ estimate of how the cost savings or
 332 averted costs will sustain or expand the mental health and
 333 substance abuse treatment services and supports needed in the
 334 community.~~†~~ ~~and~~

335 d. How the ~~county's~~ proposed initiative will reduce the
 336 number of individuals judicially committed to a state mental
 337 health treatment facility.

338 4. The proposed strategies ~~that the county intends to use~~
 339 to preserve and enhance its community mental health and
 340 substance abuse system, which serves as the local behavioral
 341 health safety net for low-income and uninsured individuals.

342 5. The proposed strategies ~~that the county intends to use~~
 343 to continue the implemented or expanded programs and initiatives
 344 that have resulted from the grant funding.

345 (2) (a) As used in this subsection, the term "available
 346 resources" includes in-kind contributions from participating
 347 counties.

348 (b) A 1-year planning grant may not be awarded unless the
 349 applicant ~~county~~ makes available resources in an amount equal to
 350 the total amount of the grant. A planning grant may not be used

351 to supplant funding for existing programs. For fiscally
 352 constrained counties, the available resources may be at 50
 353 percent of the total amount of the grant.

354 (c) A 3-year implementation or expansion grant may not be
 355 awarded unless the applicant ~~county or consortium of counties~~
 356 makes available resources equal to the total amount of the
 357 grant. For fiscally constrained counties, the available
 358 resources may be at 50 percent of the total amount of the grant.
 359 This match shall be used for expansion of services and may not
 360 supplant existing funds for services. An implementation or
 361 expansion grant must support the implementation of new services
 362 or the expansion of services and may not be used to supplant
 363 existing services.

364 (3) ~~Using the criteria adopted by rule, the county~~
 365 ~~designated or established criminal justice, juvenile justice,~~
 366 ~~mental health, and substance abuse planning council or committee~~
 367 ~~shall prepare the county or counties' application for the 1-year~~
 368 ~~planning or 3-year implementation or expansion grant.~~ The county
 369 shall submit the completed application to the department
 370 ~~statewide grant review committee.~~

371 Section 6. Section 394.674, Florida Statutes, is amended
 372 to read:

373 394.674 Eligibility for publicly funded substance abuse
 374 and mental health services; fee collection requirements.—

375 (1) To be eligible to receive substance abuse and mental

376 health services funded by the department, an individual must be
377 indigent, uninsured, or underinsured and meet at least one of
378 the following additional criteria ~~a member of at least one of~~
379 ~~the department's priority populations approved by the~~
380 ~~Legislature. The priority populations include:~~

381 (a) For ~~adult~~ mental health services, an individual must
382 be:

383 1. An adult who has a serious mental illness, as defined
384 by the department using criteria that, at a minimum, include
385 diagnosis, prognosis, functional impairment, and receipt of
386 disability income for a psychiatric condition.

387 2. An adult at risk of serious mental illness who:

388 a. Has a primary diagnosis of a mental disorder as defined
389 in the most recent edition of the Diagnostic and Statistical
390 Manual of Mental Disorders published by the American Psychiatric
391 Association that is not considered a serious mental illness;

392 b. Has a condition with a Z-code diagnosis code in the
393 most recent edition of the Diagnostic and Statistical Manual of
394 Mental Disorders published by the American Psychiatric
395 Association; or

396 c. Experiences a severe stressful event and has problems
397 copng or has symptoms that place the individual at risk of more
398 restrictive interventions.

399 3. A child or adolescent at risk of emotional disturbance
400 as defined in s. 394.492.

401 4. A child or adolescent who has an emotional disturbance
402 as defined in s. 394.492.

403 5. A child or adolescent who has a serious emotional
404 disturbance or mental illness as defined in s. 394.492.

405 6. An individual who has a primary diagnosis of mental
406 illness and a co-occurring substance use disorder.

407 7. An individual who is experiencing an acute mental or
408 emotional crisis as defined in s. 394.67.

409 ~~Adults who have severe and persistent mental illness, as~~
410 ~~designated by the department using criteria that include~~
411 ~~severity of diagnosis, duration of the mental illness, ability~~
412 ~~to independently perform activities of daily living, and receipt~~
413 ~~of disability income for a psychiatric condition. Included~~
414 ~~within this group are:~~

415 ~~a. Older adults in crisis.~~

416 ~~b. Older adults who are at risk of being placed in a more~~
417 ~~restrictive environment because of their mental illness.~~

418 ~~e. Persons deemed incompetent to proceed or not guilty by~~
419 ~~reason of insanity under chapter 916.~~

420 ~~d. Other persons involved in the criminal justice system.~~

421 ~~e. Persons diagnosed as having co-occurring mental illness~~
422 ~~and substance abuse disorders.~~

423 ~~2. Persons who are experiencing an acute mental or~~
424 ~~emotional crisis as defined in s. 394.67(17).~~

425 (b) For substance abuse services, an individual must

426 ~~children's mental health services:~~

427 1. Have a substance use disorder that meets one of the
428 diagnostic categories specified in the most recent edition of
429 the Diagnostic and Statistical Manual of Mental Disorders
430 published by the American Psychiatric Association.

431 2. Have a substance use disorder that meets one of the
432 diagnostic categories specified in the most recent edition of
433 the Diagnostic and Statistical Manual of Mental Disorders
434 published by the American Psychiatric Association as the primary
435 diagnosis and a co-occurring mental illness or serious emotional
436 disturbance.

437 3. Be at risk for abusing alcohol, drug use, or developing
438 a substance use disorder.

439 (2) Providers receiving funds from the department for
440 behavioral health services must give priority to:

441 1. Pregnant women and women with dependent children.

442 2. Intravenous drug users.

443 3. Individuals who have a substance use disorder and have
444 been ordered by the court to receive treatment.

445 4. Parents, legal guardians, or caregivers with child
446 welfare involvement and parents, legal guardians, or caregivers
447 who put children at risk due to substance abuse.

448 5. Children and adolescents under state supervision.

449 6. Individuals involved in the criminal justice system,
450 including those deemed incompetent to proceed or not guilty by

451 reason of insanity under chapter 916.

452 ~~1. Children who are at risk of emotional disturbance as~~
453 ~~defined in s. 394.492(4).~~

454 ~~2. Children who have an emotional disturbance as defined~~
455 ~~in s. 394.492(5).~~

456 ~~3. Children who have a serious emotional disturbance as~~
457 ~~defined in s. 394.492(6).~~

458 ~~4. Children diagnosed as having a co-occurring substance~~
459 ~~abuse and emotional disturbance or serious emotional~~
460 ~~disturbance.~~

461 ~~(c) For substance abuse treatment services:~~

462 ~~1. Adults who have substance abuse disorders and a history~~
463 ~~of intravenous drug use.~~

464 ~~2. Persons diagnosed as having co-occurring substance~~
465 ~~abuse and mental health disorders.~~

466 ~~3. Parents who put children at risk due to a substance~~
467 ~~abuse disorder.~~

468 ~~4. Persons who have a substance abuse disorder and have~~
469 ~~been ordered by the court to receive treatment.~~

470 ~~5. Children at risk for initiating drug use.~~

471 ~~6. Children under state supervision.~~

472 ~~7. Children who have a substance abuse disorder but who~~
473 ~~are not under the supervision of a court or in the custody of a~~
474 ~~state agency.~~

475 ~~8. Persons identified as being part of a priority~~

476 ~~population as a condition for receiving services funded through~~
477 ~~the Center for Mental Health Services and Substance Abuse~~
478 ~~Prevention and Treatment Block Grants.~~

479 (3)~~(2)~~ Crisis services, as defined in s. 394.67, must,
480 within the limitations of available state and local matching
481 resources, be available to each individual ~~person~~ who is
482 eligible for services under subsection (1), regardless of the
483 individual's ~~person's~~ ability to pay for such services. An
484 individual ~~A person~~ who is experiencing a mental health crisis
485 and who does not meet the criteria for involuntary examination
486 under s. 394.463(1), or an individual ~~a person~~ who is
487 experiencing a substance abuse crisis and who does not meet the
488 involuntary admission criteria in s. 397.675, must contribute to
489 the cost of his or her care and treatment pursuant to the
490 sliding fee scale developed under subsection (5)~~(4)~~, unless
491 charging a fee is contraindicated because of the crisis
492 situation.

493 (4)~~(3)~~ Mental health services, substance abuse services,
494 and crisis services, as defined in s. 394.67, must, within the
495 limitations of available state and local matching resources, be
496 available to each individual ~~person~~ who is eligible for services
497 under subsection (1). Such individual ~~person~~ must contribute to
498 the cost of his or her care and treatment pursuant to the
499 sliding fee scale developed under subsection (5)~~(4)~~.

500 (5)~~(4)~~ The department shall adopt rules to implement

501 ~~client~~ eligibility, ~~client~~ enrollment, and fee collection
502 requirements for publicly funded substance abuse and mental
503 health services.

504 (a) The rules must require each provider under contract
505 with the department or managing entity that ~~which~~ enrolls
506 eligible individuals ~~persons~~ into treatment to develop a sliding
507 fee scale for individuals ~~persons~~ who have a net family income
508 at or above 150 percent of the Federal Poverty Income
509 Guidelines, unless otherwise required by state or federal law.
510 The sliding fee scale must use the uniform schedule of discounts
511 by which a provider under contract with the department or
512 managing entity discounts its established ~~client~~ charges for
513 services supported with state, federal, or local funds, using,
514 at a minimum, factors such as family income, financial assets,
515 and family size as declared by the individual ~~person~~ or the
516 individual's ~~person's~~ guardian. The rules must include uniform
517 criteria to be used by all service providers in developing the
518 schedule of discounts for the sliding fee scale.

519 (b) The rules must address the most expensive types of
520 treatment, such as residential and inpatient treatment, in order
521 to make it possible for an individual ~~a client~~ to responsibly
522 contribute to his or her mental health or substance abuse care
523 without jeopardizing the family's financial stability. An
524 individual ~~A person~~ who is not eligible for Medicaid and whose
525 net family income is less than 150 percent of the Federal

526 Poverty Income Guidelines must pay a portion of his or her
 527 treatment costs which is comparable to the copayment amount
 528 required by the Medicaid program for Medicaid clients under
 529 ~~pursuant to~~ s. 409.9081.

530 (c) The rules must require that individuals ~~persons~~ who
 531 receive financial assistance from the Federal Government because
 532 of a disability and are in long-term residential treatment
 533 settings contribute to their board and care costs and treatment
 534 costs and must be consistent with ~~the provisions in~~ s. 409.212.

535 ~~(6)(5)~~ An individual ~~A person~~ who meets the eligibility
 536 criteria in subsection (1) shall be served in accordance with
 537 the appropriate district substance abuse and mental health
 538 services plan specified in s. 394.75 and within available
 539 resources.

540 Section 7. Subsections (2), (3), (4), and (5) of section
 541 394.908, Florida Statutes, are amended to read:

542 394.908 Substance abuse and mental health funding equity;
 543 distribution of appropriations.—In recognition of the historical
 544 inequity in the funding of substance abuse and mental health
 545 services for the department's districts and regions and to
 546 rectify this inequity and provide for equitable funding in the
 547 future throughout the state, the following funding process shall
 548 be used:

549 (2) "Individuals in need" means those persons who meet the
 550 eligibility requirements under s. 394.674 ~~fit the profile of the~~

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551 ~~respective priority populations~~ and require mental health or
552 substance abuse services.

553 (3) Any additional funding beyond the 2005-2006 fiscal
554 year base appropriation for substance abuse ~~alcohol, drug abuse,~~
555 and mental health services shall be allocated to districts for
556 substance abuse and mental health services based on:

557 (a) Epidemiological estimates of disabilities that apply
558 to eligible individuals ~~the respective priority populations~~.

559 (b) A pro rata share distribution that ensures districts
560 below the statewide average funding level per individual in need
561 ~~each priority population of "individuals in need"~~ receive
562 funding necessary to achieve equity.

563 (4) ~~Priority populations for~~ Individuals in need shall be
564 displayed for each district and distributed concurrently with
565 the approved operating budget. The display ~~by priority~~
566 ~~population~~ shall show: The annual number of individuals served
567 based on prior year actual numbers, the annual cost per
568 individual served, and the estimated number of the total
569 ~~priority population for~~ individuals in need.

570 (5) The annual cost per individual served is ~~shall be~~
571 ~~defined as~~ the total actual funding for either mental health or
572 substance abuse services ~~each priority population~~ divided by the
573 number of individuals receiving either mental health or
574 substance abuse services ~~served in the priority population~~ for
575 that year.

576 Section 8. Subsections (16) of section 397.321, Florida
 577 Statutes, is amended to read:

578 397.321 Duties of the department.—The department shall:

579 ~~(16) Develop a certification process by rule for community~~
 580 ~~substance abuse prevention coalitions.~~

581 Section 9. Section 397.99, Florida Statutes, is amended to
 582 read:

583 397.99 School substance abuse prevention partnership
 584 grants.—

585 (1) GRANT PROGRAM.—

586 (a) In order to encourage the development of effective
 587 substance abuse prevention and early intervention strategies for
 588 school-age populations, the school substance abuse prevention
 589 partnership grant program is established.

590 (b) The department shall administer the program in
 591 cooperation with the Department of Education, and ~~and~~ the Department
 592 of Juvenile Justice, and the managing entities under contract
 593 with the department under s. 394.9082.

594 (2) APPLICATION PROCEDURES; FUNDING REQUIREMENTS.—

595 (a) Schools, or community-based organizations in
 596 partnership with schools, may submit a grant proposal for
 597 funding or continued funding to the managing entity in its
 598 geographic area ~~department~~ by March 1 of each year.
 599 Notwithstanding s. 394.9082(5)(i), the managing entity shall use
 600 a competitive solicitation process to review ~~The department~~

601 ~~shall establish~~ grant applications, ~~application procedures~~ which
602 ensures ~~ensure~~ that grant recipients implement programs and
603 practices that are effective. The managing entity ~~department~~
604 shall include the grant application document on its ~~an~~ Internet
605 website.

606 (b) Grants may fund programs to conduct prevention
607 activities serving students who are not involved in substance
608 use, intervention activities serving students who are
609 experimenting with substance use, or both prevention and
610 intervention activities, if a comprehensive approach is
611 indicated as a result of a needs assessment.

612 (c) Grants may target youth, parents, and teachers and
613 other school staff, coaches, social workers, case managers, and
614 other prevention stakeholders.

615 (d) Performance measures for grant program activities
616 shall measure improvements in student attitudes or behaviors as
617 determined by the managing entity ~~department~~.

618 (e) At least 50 percent of the grant funds available for
619 local projects must be allocated to support the replication of
620 prevention programs and practices that are based on research and
621 have been evaluated and proven effective. The managing entity
622 ~~department~~ shall develop related qualifying criteria.

623 (f) In order to be considered for funding, the grant
624 application shall include the following assurances and
625 information:

626 1. A letter from the administrators of the programs
627 collaborating on the project, such as the school principal,
628 community-based organization executive director, or recreation
629 department director, confirming that the grant application has
630 been reviewed and that each partner is committed to supporting
631 implementation of the activities described in the grant
632 proposal.

633 2. A rationale and description of the program and the
634 services to be provided, including:

635 a. An analysis of prevention issues related to the
636 substance abuse prevention profile of the target population.

637 b. A description of other primary substance use and
638 related risk factors.

639 c. Goals and objectives based on the findings of the needs
640 assessment.

641 d. The selection of programs or strategies that have been
642 shown to be effective in addressing the findings of the needs
643 assessment.

644 e. A method of identifying the target group for universal
645 prevention strategies, and a method for identifying the
646 individual student participants in selected and indicated
647 prevention strategies.

648 f. A description of how students will be targeted.

649 g. Provisions for the participation of parents and
650 guardians in the program.

651 h. An evaluation component to measure the effectiveness of
652 the program in accordance with performance-based program
653 budgeting effectiveness measures.

654 i. A program budget, which includes the amount and sources
655 of local cash and in-kind resources committed to the budget and
656 which establishes, to the satisfaction of the managing entity
657 ~~department~~, that the grant applicant ~~entity~~ will make a cash or
658 in-kind contribution to the program of a value that is at least
659 25 percent of the amount of the grant.

660 (g) The managing entity ~~department~~ shall consider the
661 following in awarding such grants:

- 662 1. The number of youths that will be targeted.
- 663 2. The validity of the program design to achieve project
664 goals and objectives that are clearly related to performance-
665 based program budgeting effectiveness measures.
- 666 3. The desirability of funding at least one approved
667 project in each of the department's substate entities.

668 (3) The managing entity ~~must~~ ~~department shall~~ coordinate
669 the review of grant applications with local representatives of
670 the Department of Education and the Department of Juvenile
671 Justice and shall make award determinations no later than June
672 30 of each year. All applicants shall be notified by the
673 managing entity ~~department~~ of its final action.

674 (4) Each entity that is awarded a grant as provided for in
675 this section shall submit performance and output information as

676 | determined by the managing entity ~~department~~.

677 | Section 10. Paragraph (d) is added to subsection (1) of
678 | section 916.111, Florida Statutes, to read:

679 | 916.111 Training of mental health experts.—The evaluation
680 | of defendants for competency to proceed or for sanity at the
681 | time of the commission of the offense shall be conducted in such
682 | a way as to ensure uniform application of the criteria
683 | enumerated in Rules 3.210 and 3.216, Florida Rules of Criminal
684 | Procedure. The department shall develop, and may contract with
685 | accredited institutions:

686 | (1) To provide:

687 | (a) A plan for training mental health professionals to
688 | perform forensic evaluations and to standardize the criteria and
689 | procedures to be used in these evaluations;

690 | (b) Clinical protocols and procedures based upon the
691 | criteria of Rules 3.210 and 3.216, Florida Rules of Criminal
692 | Procedure; ~~and~~

693 | (c) Training for mental health professionals in the
694 | application of these protocols and procedures in performing
695 | forensic evaluations and providing reports to the courts; and

696 | (d) Refresher training for mental health professionals who
697 | have completed the training required by paragraph (c) and s.
698 | 916.115(1). At a minimum, the refresher training must provide
699 | current information on:

700 | 1. Forensic statutory requirements.

- 701 2. Recent changes to part II of this chapter.
- 702 3. Trends and concerns related to forensic commitments in
- 703 the state.
- 704 4. Alternatives to maximum security treatment facilities.
- 705 5. Community forensic treatment providers.
- 706 6. Evaluation requirements.
- 707 7. Forensic service array updates.

708 Section 11. Subsection (1) of section 916.115, Florida
 709 Statutes, is amended to read:

710 916.115 Appointment of experts.—

711 (1) The court shall appoint no more than three experts to
 712 determine the mental condition of a defendant in a criminal
 713 case, including competency to proceed, insanity, involuntary
 714 placement, and treatment. The experts may evaluate the defendant
 715 in jail or in another appropriate local facility or in a
 716 facility of the Department of Corrections.

717 (a) ~~To the extent possible,~~ The appointed experts must
 718 ~~shall~~ have completed forensic evaluator training approved by the
 719 department under s. 916.111(1)(c), and, to the extent possible,
 720 each shall be a psychiatrist, licensed psychologist, or
 721 physician. Appointed experts who have completed the training
 722 under s. 916.111(1)(c) must complete refresher training under s.
 723 916.111(1)(d) every 3 years.

724 (b) The department shall maintain and annually provide the
 725 courts with a list of available mental health professionals who

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726 | have completed the approved training under ss. 916.111(1)(c) and
727 | (d) ~~as experts.~~

728 | Section 12. This act shall take effect July 1, 2020.