

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. 397.321,
16 F.S.; removing the requirement that the department
17 develop a certification process for community
18 substance abuse prevention coalitions; amending s.
19 397.99, F.S.; requiring managing entities under
20 contract with the department to use a specified
21 process for school substance abuse prevention
22 partnership grants; amending s. 916.111, F.S.;
23 requiring the department to provide continuing
24 education for specified mental health professionals;
25 providing requirements for such education; amending s.

26 916.115, F.S.; revising requirements for the
 27 appointment of experts to evaluate certain defendants;
 28 providing an effective date.

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

31
 32 Section 1. Subsection (28) of section 394.455, Florida
 33 Statutes, is amended to read:

34 394.455 Definitions.—As used in this part, the term:

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

44 Section 2. Paragraph (e) of subsection (6) of section
 45 394.495, Florida Statutes, is amended to read:

46 394.495 Child and adolescent mental health system of care;
 47 programs and services.—

48 (6) The department shall contract for community action
 49 treatment teams throughout the state with the managing entities.
 50 A community action treatment team shall:

- 51 (e)1. Subject to appropriations and at a minimum,
 52 individually serve each of the following counties or regions:
 53 a. Alachua.
 54 b. Alachua, Columbia, Dixie, Hamilton, Lafayette, and
 55 Suwannee.
 56 c. Bay.
 57 d. Brevard.
 58 e. Charlotte.
 59 ~~f.e.~~ Collier.
 60 ~~g.f.~~ DeSoto and Sarasota.
 61 ~~h.g.~~ Duval.
 62 ~~i.h.~~ Escambia.
 63 ~~j.i.~~ Hardee, Highlands, and Polk.
 64 ~~k.j.~~ Hillsborough.
 65 ~~l.k.~~ Indian River, Martin, Okeechobee, and St. Lucie.
 66 ~~m.l.~~ Lake and Sumter.
 67 ~~n.m.~~ Lee.
 68 o. Gadsden, Leon, and Wakulla.
 69 ~~p.n.~~ Manatee.
 70 ~~q.o.~~ Marion.
 71 ~~r.p.~~ Miami-Dade.
 72 ~~s.q.~~ Okaloosa.
 73 ~~t.r.~~ Orange.
 74 ~~u.s.~~ Palm Beach.
 75 ~~v.t.~~ Pasco.

76 ~~w.u.~~ Pinellas.

77 ~~x.v.~~ Walton.

78 2. Subject to appropriations, the department shall
79 contract for additional teams through the managing entities to
80 ensure the availability of community action treatment team
81 services in the remaining areas of the state.

82 Section 3. Section 394.656, Florida Statutes, is amended
83 to read:

84 394.656 Criminal Justice, Mental Health, and Substance
85 Abuse Reinvestment Grant Program.—

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

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

100 (a) One representative of the Department of Children and

- 101 Families~~._~~
- 102 (b) One representative of the Department of Corrections~~._~~
- 103 (c) One representative of the Department of Juvenile
- 104 Justice~~._~~
- 105 (d) One representative of the Department of Elderly
- 106 Affairs~~._~~
- 107 (e) One representative of the Office of the State Courts
- 108 Administrator~~._~~
- 109 (f) One representative of the Department of Veterans'
- 110 Affairs~~._~~
- 111 (g) One representative of the Florida Sheriffs
- 112 Association~~._~~
- 113 (h) One representative of the Florida Police Chiefs
- 114 Association~~._~~
- 115 (i) One representative of the Florida Association of
- 116 Counties~~._~~
- 117 (j) One representative of the Florida Behavioral Health
- 118 ~~Alcohol and Drug Abuse~~ Association~~._~~
- 119 (k) One representative of the Florida Association of
- 120 Managing Entities~~._~~
- 121 ~~(l) One representative of the Florida Council for~~
- 122 ~~Community Mental Health;~~
- 123 (l)~~(m)~~ One representative of the National Alliance of
- 124 Mental Illness~~._~~
- 125 (m)~~(n)~~ One representative of the Florida Prosecuting

126 Attorneys Association.~~†~~

127 (n)~~(o)~~ One representative of the Florida Public Defender
128 Association;~~and~~

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

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

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

141 (5) (a) A county, a consortium of counties, or an ~~a not-~~
142 ~~for-profit community provider or managing~~ entity designated by
143 the county planning council or committee, as described in s.
144 394.657, may apply for a 1-year planning grant or a 3-year
145 implementation or expansion grant. The purpose of the grants is
146 to demonstrate that investment in treatment efforts related to
147 mental illness, substance use ~~abuse~~ disorders, or co-occurring
148 mental health and substance use ~~abuse~~ disorders results in a
149 reduced demand on the resources of the judicial, corrections,
150 juvenile detention, and health and social services systems.

151 (b) To be eligible to receive a ~~1-year planning grant or a~~
 152 ~~3-year implementation or expansion grant:~~

153 1. ~~An A-county~~ applicant must have a planning council or
 154 committee that is in compliance with the membership requirements
 155 set forth in this section.

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

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

169 (d) The department may require an applicant to conduct
 170 sequential intercept mapping for a project. For purposes of this
 171 paragraph, the term "sequential intercept mapping" means a
 172 process for reviewing a local community's mental health,
 173 substance abuse, criminal justice, and related systems and
 174 identifying points of interceptions where interventions may be
 175 made to prevent an individual with a substance use ~~abuse~~

176 | disorder or mental illness from deeper involvement in the
 177 | criminal justice system.

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

189 | Section 4. Subsection (1) of section 394.657, Florida
 190 | Statutes, is amended to read:

191 | 394.657 County planning councils or committees.—

192 | (1) Each board of county commissioners shall designate the
 193 | county public safety coordinating council established under s.
 194 | 951.26, or designate another criminal or juvenile justice mental
 195 | health and substance abuse council or committee, as the planning
 196 | council or committee. The public safety coordinating council or
 197 | other designated criminal or juvenile justice mental health and
 198 | substance abuse council or committee, in coordination with the
 199 | county offices of planning and budget, shall make a formal
 200 | recommendation to the board of county commissioners regarding

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

213 Section 5. Section 394.658, Florida Statutes, is amended
 214 to read:

215 394.658 Criminal Justice, Mental Health, and Substance
 216 Abuse Reinvestment Grant Program requirements.—

217 (1) ~~The Criminal Justice, Mental Health, and Substance~~
 218 ~~Abuse Statewide Grant Review Committee, in collaboration with~~
 219 ~~the department of Children and Families, in collaboration with~~
 220 the Department of Corrections, the Department of Juvenile
 221 Justice, the Department of Elderly Affairs, the Department of
 222 Veterans' Affairs, and the Office of the State Courts
 223 Administrator, shall establish criteria to be used to review
 224 submitted applications and to select a ~~the~~ county that will be
 225 awarded a 1-year planning grant or a 3-year implementation or

226 expansion grant. A planning, implementation, or expansion grant
227 may not be awarded unless the application of the county meets
228 the established criteria.

229 (a) The application criteria for a 1-year planning grant
230 must include a requirement that the applicant ~~county or counties~~
231 have a strategic plan to initiate systemic change to identify
232 and treat individuals who have a mental illness, substance use
233 ~~abuse~~ disorder, or co-occurring mental health and substance use
234 ~~abuse~~ disorders who are in, or at risk of entering, the criminal
235 or juvenile justice systems. The 1-year planning grant must be
236 used to develop effective collaboration efforts among
237 participants in affected governmental agencies, including the
238 criminal, juvenile, and civil justice systems, mental health and
239 substance abuse treatment service providers, transportation
240 programs, and housing assistance programs. The collaboration
241 efforts shall be the basis for developing a problem-solving
242 model and strategic plan for treating individuals ~~adults and~~
243 ~~juveniles~~ who are in, or at risk of entering, the criminal or
244 juvenile justice system and doing so at the earliest point of
245 contact, taking into consideration public safety. The planning
246 grant shall include strategies to divert individuals from
247 judicial commitment to community-based service programs offered
248 by the department ~~of Children and Families~~ in accordance with
249 ss. 916.13 and 916.17.

250 (b) The application criteria for a 3-year implementation

251 or expansion grant must ~~shall~~ require the applicant to
 252 demonstrate ~~information from a county that demonstrates~~ its
 253 completion of a well-established collaboration plan that
 254 includes public-private partnership models and the application
 255 of evidence-based practices. The implementation or expansion
 256 grants may support programs and diversion initiatives that
 257 include, but need not be limited to:

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

269 (c) Each ~~county~~ application must include the following
 270 information:

- 271 1. An analysis of the current population of the jail and
 272 juvenile detention center in the county, which includes:
 - 273 a. The screening and assessment process that the county
 274 uses to identify an adult or juvenile who has a mental illness,
 275 substance use ~~abuse~~ disorder, or co-occurring mental health and

276 substance use ~~abuse~~ disorders.†

277 b. The percentage of each category of individuals ~~persons~~
278 admitted to the jail and juvenile detention center that
279 represents people who have a mental illness, substance use ~~abuse~~
280 disorder, or co-occurring mental health and substance use ~~abuse~~
281 disorders.† ~~and~~

282 c. An analysis of observed contributing factors that
283 affect population trends in the county jail and juvenile
284 detention center.

285 2. A description of the strategies the applicant ~~county~~
286 intends to use to serve one or more clearly defined subsets of
287 the population of the jail and juvenile detention center who
288 have a mental illness or to serve those at risk of arrest and
289 incarceration. The proposed strategies may include identifying
290 the population designated to receive the new interventions, a
291 description of the services and supervision methods to be
292 applied to that population, and the goals and measurable
293 objectives of the new interventions. An applicant ~~The~~
294 ~~interventions a county may use with the target population~~ may
295 use include, but is ~~are~~ not limited to, the following
296 interventions:

297 a. Specialized responses by law enforcement agencies.†

298 b. Centralized receiving facilities for individuals
299 evidencing behavioral difficulties.†

300 c. Postbooking alternatives to incarceration.†

- 301 d. New court programs, including pretrial services and
- 302 specialized dockets.†
- 303 e. Specialized diversion programs.†
- 304 f. Intensified transition services that are directed to
- 305 the designated populations while they are in jail or juvenile
- 306 detention to facilitate their transition to the community.†
- 307 g. Specialized probation processes.†
- 308 h. Day-reporting centers.†
- 309 i. Linkages to community-based, evidence-based treatment
- 310 programs for adults and juveniles who have mental illness or
- 311 substance use ~~abuse~~ disorders.† ~~and~~
- 312 j. Community services and programs designed to prevent
- 313 high-risk populations from becoming involved in the criminal or
- 314 juvenile justice system.
- 315 3. The projected effect the proposed initiatives will have
- 316 on the population and the budget of the jail and juvenile
- 317 detention center. The information must include:
- 318 a. An ~~The county's~~ estimate of how the initiative will
- 319 reduce the expenditures associated with the incarceration of
- 320 adults and the detention of juveniles who have a mental
- 321 illness.†
- 322 b. The methodology that will be used ~~the county intends to~~
- 323 ~~use~~ to measure the defined outcomes and the corresponding
- 324 savings or averted costs.†
- 325 c. An ~~The county's~~ estimate of how the cost savings or

326 averted costs will sustain or expand the mental health and
 327 substance abuse treatment services and supports needed in the
 328 community. ; ~~and~~

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

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

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

339 (2) (a) As used in this subsection, the term "available
 340 resources" includes in-kind contributions from participating
 341 counties.

342 (b) A 1-year planning grant may not be awarded unless the
 343 applicant ~~county~~ makes available resources in an amount equal to
 344 the total amount of the grant. A planning grant may not be used
 345 to supplant funding for existing programs. For fiscally
 346 constrained counties, the available resources may be at 50
 347 percent of the total amount of the grant.

348 (c) A 3-year implementation or expansion grant may not be
 349 awarded unless the applicant ~~county or consortium of counties~~
 350 makes available resources equal to the total amount of the

351 grant. For fiscally constrained counties, the available
352 resources may be at 50 percent of the total amount of the grant.
353 This match shall be used for expansion of services and may not
354 supplant existing funds for services. An implementation or
355 expansion grant must support the implementation of new services
356 or the expansion of services and may not be used to supplant
357 existing services.

358 ~~(3) Using the criteria adopted by rule, the county~~
359 ~~designated or established criminal justice, juvenile justice,~~
360 ~~mental health, and substance abuse planning council or committee~~
361 ~~shall prepare the county or counties' application for the 1-year~~
362 ~~planning or 3-year implementation or expansion grant. The county~~
363 shall submit the completed application to the department
364 ~~statewide grant review committee.~~

365 Section 6. Subsections (16) of section 397.321, Florida
366 Statutes, is amended to read:

367 397.321 Duties of the department.—The department shall:

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

370 Section 7. Section 397.99, Florida Statutes, is amended to
371 read:

372 397.99 School substance abuse prevention partnership
373 grants.—

374 (1) GRANT PROGRAM.—

375 (a) In order to encourage the development of effective

376 substance abuse prevention and early intervention strategies for
377 school-age populations, the school substance abuse prevention
378 partnership grant program is established.

379 (b) The department shall administer the program in
380 cooperation with the Department of Education, and the Department
381 of Juvenile Justice, and the managing entities under contract
382 with the department under s. 394.9082.

383 (2) APPLICATION PROCEDURES; FUNDING REQUIREMENTS.—

384 (a) Schools, or community-based organizations in
385 partnership with schools, may submit a grant proposal for
386 funding or continued funding to the managing entity in its
387 geographic area ~~department~~ by March 1 of each year.
388 Notwithstanding s. 394.9082(5)(i), the managing entity shall use
389 a competitive solicitation process to review ~~The department~~
390 ~~shall establish~~ grant applications, application procedures which
391 ensures ~~ensure~~ that grant recipients implement programs and
392 practices that are effective. The managing entity ~~department~~
393 shall include the grant application document on its ~~an~~ Internet
394 website.

395 (b) Grants may fund programs to conduct prevention
396 activities serving students who are not involved in substance
397 use, intervention activities serving students who are
398 experimenting with substance use, or both prevention and
399 intervention activities, if a comprehensive approach is
400 indicated as a result of a needs assessment.

401 (c) Grants may target youth, parents, and teachers and
402 other school staff, coaches, social workers, case managers, and
403 other prevention stakeholders.

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

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

412 (f) In order to be considered for funding, the grant
413 application shall include the following assurances and
414 information:

415 1. A letter from the administrators of the programs
416 collaborating on the project, such as the school principal,
417 community-based organization executive director, or recreation
418 department director, confirming that the grant application has
419 been reviewed and that each partner is committed to supporting
420 implementation of the activities described in the grant
421 proposal.

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

424 a. An analysis of prevention issues related to the
425 substance abuse prevention profile of the target population.

- 426 b. A description of other primary substance use and
427 related risk factors.
- 428 c. Goals and objectives based on the findings of the needs
429 assessment.
- 430 d. The selection of programs or strategies that have been
431 shown to be effective in addressing the findings of the needs
432 assessment.
- 433 e. A method of identifying the target group for universal
434 prevention strategies, and a method for identifying the
435 individual student participants in selected and indicated
436 prevention strategies.
- 437 f. A description of how students will be targeted.
- 438 g. Provisions for the participation of parents and
439 guardians in the program.
- 440 h. An evaluation component to measure the effectiveness of
441 the program in accordance with performance-based program
442 budgeting effectiveness measures.
- 443 i. A program budget, which includes the amount and sources
444 of local cash and in-kind resources committed to the budget and
445 which establishes, to the satisfaction of the managing entity
446 ~~department~~, that the grant applicant ~~entity~~ will make a cash or
447 in-kind contribution to the program of a value that is at least
448 25 percent of the amount of the grant.
- 449 (g) The managing entity ~~department~~ shall consider the
450 following in awarding such grants:

- 451 1. The number of youths that will be targeted.
- 452 2. The validity of the program design to achieve project
- 453 goals and objectives that are clearly related to performance-
- 454 based program budgeting effectiveness measures.
- 455 3. The desirability of funding at least one approved
- 456 project in each of the department's substate entities.

457 (3) The managing entity must ~~department shall~~ coordinate

458 the review of grant applications with local representatives of

459 the Department of Education and the Department of Juvenile

460 Justice and shall make award determinations no later than June

461 30 of each year. All applicants shall be notified by the

462 managing entity ~~department~~ of its final action.

463 (4) Each entity that is awarded a grant as provided for in

464 this section shall submit performance and output information as

465 determined by the managing entity ~~department~~.

466 Section 8. Subsection (1) of section 916.111, Florida

467 Statutes, is amended to read:

468 916.111 Training of mental health experts.—The evaluation

469 of defendants for competency to proceed or for sanity at the

470 time of the commission of the offense shall be conducted in such

471 a way as to ensure uniform application of the criteria

472 enumerated in Rules 3.210 and 3.216, Florida Rules of Criminal

473 Procedure. The department shall develop, and may contract with

474 accredited institutions:

- 475 (1) To provide:

476 (a) A plan for training mental health professionals to
 477 perform forensic evaluations and to standardize the criteria and
 478 procedures to be used in these evaluations.~~;~~

479 (b) Clinical protocols and procedures based upon the
 480 criteria of Rules 3.210 and 3.216, Florida Rules of Criminal
 481 Procedure.~~;~~ and

482 (c) Training for mental health professionals in the
 483 application of these protocols and procedures in performing
 484 forensic evaluations and providing reports to the courts.~~;~~ and

485 (d) Continuing education for mental health professionals
 486 who have completed the training required by paragraph (c) and s.
 487 916.115(1). At a minimum, the continuing education must include
 488 current information on:

- 489 1. Forensic statutory requirements.
- 490 2. Recent changes to part II of this chapter.
- 491 3. Trends and concerns related to forensic commitments in
 492 the state.
- 493 4. Alternatives to maximum security treatment facilities.
- 494 5. Community forensic treatment providers.
- 495 6. Evaluation requirements.
- 496 7. Forensic service array updates.

497 Section 9. Subsection (1) of section 916.115, Florida
 498 Statutes, is amended to read:

499 916.115 Appointment of experts.-

500 (1) The court shall appoint no more than three experts to

501 determine the mental condition of a defendant in a criminal
502 case, including competency to proceed, insanity, involuntary
503 placement, and treatment. The experts may evaluate the defendant
504 in jail or in another appropriate local facility or in a
505 facility of the Department of Corrections.

506 (a) ~~To the extent possible,~~ The appointed experts must
507 ~~shall~~ have completed forensic evaluator training approved by the
508 department under s. 916.111(1)(c), and, to the extent possible,
509 each shall be a psychiatrist, licensed psychologist, or
510 physician. Appointed experts who have completed the training
511 under s. 916.111(1)(c) must complete continuing education under
512 s. 916.111(1)(d) every 3 years.

513 (b) The department shall maintain and annually provide the
514 courts with a list of available mental health professionals who
515 have completed the approved training under ss. 916.111(1)(c) and
516 (d) as experts.

517 Section 10. This act shall take effect July 1, 2020.