

1 A bill to be entitled  
 2 An act relating to the Commission on Mental Health and  
 3 Substance Abuse; providing legislative intent;  
 4 creating s. 394.9086, F.S.; creating the Commission on  
 5 Mental Health and Substance Abuse adjunct to the  
 6 Department of Children and Families; requiring the  
 7 department to provide administrative and staff support  
 8 services to the commission; providing purposes;  
 9 providing for membership, term limits, meetings, and  
 10 duties of the commission; requiring the commission to  
 11 submit reports of its findings and recommendations to  
 12 the Legislature and Governor by a specified date;  
 13 providing for future repeal unless saved by the  
 14 Legislature through reenactment; providing an  
 15 effective date.

16  
 17 Be It Enacted by the Legislature of the State of Florida:  
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19 Section 1. Based on recommendations in the Third Interim  
 20 Report of the 20th Statewide Grand Jury, submitted December 10,  
 21 2020, regarding the state's mental health system, it is the  
 22 intent of the Legislature to establish a commission to examine  
 23 the state's current policies and procedures for providing mental  
 24 health and substance abuse services and to make recommendations  
 25 to improve and facilitate the delivery of mental health and

26 | substance abuse services throughout the state.

27 | Section 2. Section 394.9086, Florida Statutes, is created  
 28 | to read:

29 | 394.9086 Commission on Mental Health and Substance Abuse.—

30 | (1) CREATION.—The Commission on Mental Health and  
 31 | Substance Abuse, a commission as defined in s. 20.03(10), is  
 32 | created adjunct to the Department of Children and Families. The  
 33 | department shall provide administrative and staff support  
 34 | services relating to the functions of the commission.

35 | (2) PURPOSES.—The purposes of the commission are to  
 36 | examine the current methods of providing mental health and  
 37 | substance abuse services in the state and to improve the  
 38 | effectiveness of current practices, procedures, programs, and  
 39 | initiatives in providing such services; identify any barriers or  
 40 | deficiencies in the delivery of such services; and recommend  
 41 | changes to existing laws, rules, and policies necessary to  
 42 | implement the commission's recommendations.

43 | (3) MEMBERSHIP; TERM LIMITS; MEETINGS.—

44 | (a) The commission shall be composed of 19 members as  
 45 | follows:

46 | 1. A member of the Senate, appointed by the President of  
 47 | the Senate.

48 | 2. A member of the House of Representatives, appointed by  
 49 | the Speaker of the House of Representatives.

- 50        3. The Secretary of Children and Families or his or her  
 51 designee.
- 52        4. The Secretary of the Agency for Health Care  
 53 Administration or his or her designee.
- 54        5. A person living with a mental health disorder appointed  
 55 by the President of the Senate.
- 56        6. A family member of a consumer of publicly funded mental  
 57 health, appointed by the President of the Senate.
- 58        7. A representative of the Louis de la Parte Florida  
 59 Mental Health Institute within the University of South Florida,  
 60 appointed by the President of the Senate.
- 61        8. A representative of a county school district, appointed  
 62 by the President of the Senate.
- 63        9. A representative of mental health courts, appointed by  
 64 the Governor.
- 65        10. A representative of a treatment facility, as defined  
 66 in s. 394.455, appointed by the Speaker of the House of  
 67 Representatives.
- 68        11. A representative of a managing entity as defined in s.  
 69 394.9082(2), appointed by the Speaker of the House of  
 70 Representatives.
- 71        12. A representative of a community substance abuse  
 72 provider, appointed by the Speaker of the House of  
 73 Representatives.

74        13. A psychiatrist licensed under chapter 458 or chapter  
75 459 practicing within the mental health delivery system,  
76 appointed by the Speaker of the House of Representatives.

77        14. A psychologist licensed under chapter 490 practicing  
78 within the mental health delivery system, appointed by the  
79 Governor.

80        15. A mental health professional licensed under chapter  
81 491, appointed by the Governor.

82        16. An emergency room physician, appointed by the  
83 Governor.

84        17. A representative from the field of law enforcement,  
85 appointed by the Governor.

86        18. A representative from the criminal justice system,  
87 appointed by the Governor.

88        19. A representative of a child welfare agency involved in  
89 the delivery of behavioral health services, appointed by the  
90 Governor.

91        (b) The Governor shall appoint the chair from the members  
92 of the commission. Appointments to the commission must be made  
93 by August 1, 2021. Members shall be appointed to serve at the  
94 pleasure of the officer who appointed the member. A vacancy on  
95 the commission shall be filled in the same manner as the  
96 original appointment.

97        (c) The commission shall convene no later than September  
98 1, 2021. The commission shall meet quarterly or upon the call of

99 | the chair. The commission shall hold its meetings via  
 100 | teleconference or other electronic means.

101 | (4) DUTIES.—

102 | (a) The duties of the Commission on Mental Health and  
 103 | Substance Abuse include the following:

104 | 1. Conducting a review and evaluation of the management  
 105 | and functioning of the existing publicly supported mental health  
 106 | and substance abuse systems and services in the Department of  
 107 | Children and Families, the Agency for Health Care  
 108 | Administration, and all other departments which administer  
 109 | mental health and substance abuse services. Such review shall  
 110 | include, at a minimum, a review of current goals and objectives,  
 111 | current planning, services strategies, coordination management,  
 112 | purchasing, contracting, financing, local government funding  
 113 | responsibility, and accountability mechanisms.

114 | 2. Considering the unique needs of persons who are dually  
 115 | diagnosed.

116 | 3. Addressing access to, and financing of, and scope of  
 117 | responsibility in the delivery of emergency behavioral health  
 118 | care services.

119 | 4. Addressing the quality and effectiveness of current  
 120 | mental health and substance abuse services delivery systems, and  
 121 | professional staffing and clinical structure of services, roles,  
 122 | and responsibilities of public and private providers, such as  
 123 | community mental health centers, community substance abuse

124 agencies, hospitals, including emergency services departments,  
125 law enforcement agencies, and the judicial system.

126 5. Addressing priority population groups for publicly  
127 funded mental health and substance abuse services, identifying  
128 the comprehensive mental health and substance abuse services  
129 delivery systems, mental health and substance abuse needs  
130 assessment and planning activities, and local government funding  
131 responsibilities for mental health and substance abuse services.

132 6. Reviewing the implementation of chapter 2020-107, Laws  
133 of Florida.

134 7. Identifying any gaps in the provision of mental health  
135 and substance use disorder services.

136 8. Providing recommendations on how behavioral health  
137 managing entities may fulfill their purpose of promoting service  
138 continuity.

139 9. Making recommendations regarding the mission and  
140 objectives of state-supported mental health and substance abuse  
141 services and the planning, management, staffing, financing,  
142 contracting, coordination, and accountability mechanisms which  
143 will best foster the recommended mission and objectives.

144 10. Evaluating and making recommendations regarding the  
145 establishment of a permanent, agency-level entity to manage  
146 mental health, substance abuse, and related services statewide.

147 At a minimum, the evaluation must consider and describe the:

- 148        a. Specific duties and organizational structure proposed  
149 for the entity;
- 150        b. Resource needs of the entity and possible sources of  
151 funding;
- 152        c. Estimated impact on access to and quality of services;
- 153        d. Impact on individuals with behavioral health needs and  
154 their families, both those currently served through the affected  
155 systems providing behavioral health services and those in need  
156 of services; and
- 157        e. Relation to, integration with, and impact on providers,  
158 managing entities, communities, state agencies, and systems  
159 which provide mental health and substance abuse services in this  
160 state. Such recommendations must ensure that the ability of such  
161 other agencies and systems to carry out their missions and  
162 responsibilities is not impaired.
- 163        (b) The commission may call upon appropriate departments  
164 and agencies of state government for such professional  
165 assistance as may be needed in the discharge of its duties, and  
166 such departments and agencies shall provide such assistance in a  
167 timely manner.
- 168        (5) REPORTS.—By September 1, 2022, the commission shall  
169 submit an interim report to the President of the Senate, the  
170 Speaker of the House of Representatives, and the Governor  
171 containing its findings and recommendations on how to best  
172 provide and facilitate mental health and substance abuse

173 services in the state. The commission shall submit its final  
174 report by September 1, 2023.

175 (6) This section is repealed September 1, 2023, unless  
176 saved from repeal through reenactment by the Legislature.

177 Section 3. This act shall take effect upon becoming a law.