

By the Committee on Children, Families, and Elder Affairs; and  
Senator Rouson

586-03269-21

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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 within the  
6 Department of Children and Families; providing the  
7 purpose of the commission; providing for membership,  
8 term limits, meetings, and duties of the commission;  
9 requiring certain agencies to provide assistance to  
10 the commission in a timely manner; requiring the  
11 commission to submit a report to the Governor and  
12 Legislature by a specified date, and annually  
13 thereafter; providing for future review and repeal  
14 unless saved by the Legislature through reenactment;  
15 providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
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 this state.

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

29 394.9086 Commission on Mental Health and Substance Abuse.-

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30       (1) CREATION.—The Commission on Mental Health and Substance  
31 Abuse, a commission as defined in s. 20.03(10), is created  
32 within the Department of Children and Families. Except as  
33 otherwise provided in this section, the commission shall operate  
34 in a manner consistent with s. 20.052.

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

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

44       (a) The commission shall be composed of 15 members as  
45 follows:

46       1. The Secretary of Children and Families or his or her  
47 designee.

48       2. The Secretary of the Agency for Health Care  
49 Administration or his or her designee.

50       3. A family member of a consumer of publicly funded mental  
51 health, appointed by the President of the Senate.

52       4. A representative of the Louis de la Parte Florida Mental  
53 Health Institute within the University of South Florida,  
54 appointed by the President of the Senate.

55       5. A representative of a school district, appointed by the  
56 President of the Senate.

57       6. A representative of a county utilizing state-funded  
58 mental health and substance abuse services, appointed by the

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59 President of the Senate.

60 7. A representative of a treatment facility, as defined in  
61 s. 394.455, appointed by the Speaker of the House of  
62 Representatives.

63 8. A representative of a managing entity, as defined in s.  
64 394.9082(2), appointed by the Speaker of the House of  
65 Representatives.

66 9. A representative of a community-based substance abuse  
67 services provider, appointed by the Speaker of the House of  
68 Representatives.

69 10. A psychiatrist licensed under chapter 458 or chapter  
70 459 practicing within the mental health delivery system,  
71 appointed by the Speaker of the House of Representatives.

72 11. A psychologist licensed under chapter 490 practicing  
73 within the mental health delivery system, appointed by the  
74 Governor.

75 12. A mental health professional licensed under chapter  
76 491, appointed by the Governor.

77 13. An emergency room physician, appointed by the Governor.

78 14. A representative from the field of law enforcement,  
79 appointed by the Governor.

80 15. A representative of mental health courts, appointed by  
81 the Governor.

82 (b) The Governor shall appoint the chair from the members  
83 of the commission. Appointments to the commission must be made  
84 by September 1, 2021. Members shall be appointed to serve 3-year  
85 terms at the pleasure of the officer who appointed the member. A  
86 vacancy on the commission shall be filled in the same manner as  
87 the original appointment.

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88       (c) The commission shall convene no later than September 1,  
89 2021. The commission shall meet at least quarterly or upon the  
90 call of the chair. The commission may hold its meetings via  
91 teleconference or other electronic means.

92       (4) DUTIES.—

93       (a) The duties of the Commission on Mental Health and  
94 Substance Abuse include the following:

95       1. Conducting a review and evaluation of the management and  
96 functioning of the existing publicly supported mental health and  
97 substance abuse systems and services in the Department of  
98 Children and Families, the Agency for Health Care  
99 Administration, and all other departments that administer mental  
100 health and substance abuse services. Such review must include,  
101 at a minimum, a review of current goals and objectives, current  
102 planning, services strategies, coordination management,  
103 purchasing, contracting, financing, local government funding  
104 responsibility, and accountability mechanisms.

105       2. Addressing the unique needs of persons with a history of  
106 substance abuse or with a comorbid psychiatric disorder.

107       3. Addressing access to, financing of, and scope of  
108 responsibility in the delivery of emergency behavioral health  
109 care services.

110       4. Addressing the quality and effectiveness of current  
111 mental health and substance abuse services delivery systems,  
112 professional staffing and clinical structure of services, and  
113 roles and responsibilities of public and private providers, such  
114 as community mental health centers; community-based substance  
115 abuse agencies; hospitals, including emergency services  
116 departments; law enforcement agencies; and the judicial system.

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117 5. Addressing priority population groups for publicly  
118 funded mental health and substance abuse services, identifying  
119 the comprehensive mental health and substance abuse services  
120 delivery systems, mental health and substance abuse needs  
121 assessment and planning activities, and local government funding  
122 responsibilities for mental health and substance abuse services.

123 6. Reviewing the implementation of chapter 2020-107, Laws  
124 of Florida.

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

127 8. Providing recommendations on how behavioral health  
128 managing entities may fulfill their purpose of promoting service  
129 continuity.

130 9. Submitting recommendations to the Governor, the  
131 President of the Senate, and the Speaker of the House of  
132 Representatives regarding the mission and objectives of state-  
133 supported mental health and substance abuse services and the  
134 planning, management, staffing, financing, contracting,  
135 coordination, and accountability mechanisms that will best  
136 foster the recommended mission and objectives.

137 10. Recommending a permanent, agency-level entity to manage  
138 mental health, substance abuse, and related services statewide.

139 (b) The commission may call upon appropriate departments  
140 and agencies of state government for such professional  
141 assistance as may be needed in the discharge of its duties, and  
142 such departments and agencies shall provide such assistance in a  
143 timely manner.

144 (5) REPORTS.—By September 1, 2022, and each year  
145 thereafter, the commission shall submit its report to the

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146 Governor, the President of the Senate, and the Speaker of the  
147 House of Representatives containing its findings and  
148 recommendations on how to best provide and facilitate mental  
149 health and substance abuse services in this state.

150 (6) REPEAL.—This section is repealed September 1, 2026,  
151 unless reviewed and saved from repeal through reenactment by the  
152 Legislature.

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