

Committee Substitute for
Committee Substitute for Senate Bill No. 1286

An act relating to substance abuse and mental health services; amending s. 394.655, F.S.; revising the duties of the Florida Substance Abuse and Mental Health Corporation; requiring the corporation to ensure the provision of services that promote recovery and resiliency-based systems of care; requiring that certain members appointed to the corporation be primary consumers of mental health or substance abuse services or family members of primary consumers of such services; defining the term “primary consumer”; delaying the date when provisions establishing the corporation are scheduled to expire; amending s. 394.66, F.S.; revising and providing additional legislative intent with respect to the substance abuse and mental health services provided by the Department of Children and Family Services and its providers; requiring that continuity of care be ensured for persons having a mental illness who are released from a state correctional facility; repealing s. 3 of ch. 2003-279, Laws of Florida; deleting the expiration date of s. 20.19(2)(c) and (4)(b)6. and 8., F.S., relating to the Mental Health and Substance Abuse Program Offices and the appointment of the Assistant Secretary for Substance Abuse and Mental Health and other personnel; providing an effective date.

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

Section 1. Subsections (3), (6), and (11) of section 394.655, Florida Statutes, are amended to read:

394.655 The Substance Abuse and Mental Health Corporation; powers and duties; composition; evaluation and reporting requirements.—

(3)(a) The Florida Substance Abuse and Mental Health Corporation shall direct efforts designed to improve interagency coordination of substance abuse and mental health services in order to ensure that these services promote recovery and resiliency-based systems of care. The corporation shall provide oversight of the publicly funded substance abuse and mental health systems and make policy and resource recommendations that will promote system transformation by providing mechanisms for input from stakeholders, including primary consumers, family members, providers, and advocates, concerning the management of the overall system, and that be responsible for oversight of the publicly funded substance abuse and mental health systems and for making policy and resources recommendations which will improve the coordination, quality, and efficiency of the system.

(b) Subject to and consistent with direction set by the Legislature, the corporation shall ~~exercise the following responsibilities:~~

1. Identify systemic needs for substance abuse and mental health services and for recovery and resiliency-based systems of care.

2. Identify specific needs for substance abuse and mental health services and for recovery and resiliency-based systems of care for each state agency that funds, purchases, or provides such services. The corporation shall prepare budget recommendations for submission to the appropriate departments for consideration in the development of their legislative budget requests and shall provide copies to the Governor, the President of the Senate, and the Speaker of the House of Representative for their consideration.

3. Facilitate improved coordination and collaboration among state agencies that fund, purchase, or provide substance abuse or mental health services in order to support recovery and resiliency-based systems of care.

4. Identify impediments to implementing recovery and resiliency-based systems of care for substance abuse and mental health programs.

~~1. Review and assess the collection and analysis of needs assessment data as described in s. 394.82.~~

~~2. Review and assess the status of the publicly funded mental health and substance abuse systems and recommend policy designed to improve coordination and effectiveness.~~

~~3. Provide mechanisms for substance abuse and mental health stakeholders, including consumers, family members, providers, and advocates to provide input concerning the management of the overall system.~~

~~4. Recommend priorities for service expansion.~~

~~5. Prepare budget recommendations to be submitted to the appropriate departments for consideration in the development of their legislative budget requests and provide copies to the Governor, the President of the Senate, and the Speaker of the House of Representatives for their consideration.~~

~~6. Review data regarding the performance of the publicly funded substance abuse and mental health systems.~~

~~7. Make recommendations concerning strategies for improving the performance of the systems.~~

~~8. Review, assess, and forecast substance abuse and mental health manpower needs and work with the department and the educational system to establish policies, consistent with the direction of the Legislature, which will ensure that the state has the personnel it needs to continuously implement and improve its services.~~

(c)(b) The corporation shall work with the department and the Agency for Health Care Administration to assure, to the maximum extent possible, that Medicaid and department-funded services are delivered in a coordinated manner, using common service definitions, standards, and accountability mechanisms.

(d)(e) The corporation shall also work with other agencies of state government which provide, purchase, or fund substance abuse and mental health

programs and services in order to work toward fully developed and integrated, when appropriate, substance abuse and mental health systems that reflect current knowledge regarding efficacy and efficiency and use best practices identified within this state or other states.

(e)(d) The corporation shall develop memoranda of understanding that describe how it will coordinate with other programmatic areas within the department and with other state agencies that deliver or purchase substance abuse or mental health services.

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

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

2. Of the four members appointed by the President of the Senate, one member must represent the perspective of community-based care under chapter 409, one member must be a primary consumer former client or family member of a primary consumer of client of a publicly funded mental health services program, and two members must be prominent community or business leaders, one of whom must have experience and interest in substance abuse and one of whom must have experience and interest in mental health.

3. Of the four members appointed by the Speaker of the House of Representatives, one member must be a primary consumer former client or family member of a primary consumer of client of a publicly funded substance abuse services program, one member must represent the perspective of the criminal justice system, and two members must be prominent community or business leaders, one of whom must have experience and interest in substance abuse and one of whom must have experience and interest in mental health. The Secretary of Children and Family Services, or his or her designee, the Secretary of Health Care Administration, or his or her designee, and a representative of local government designated by the Florida Association of Counties shall serve as ex officio members of the corporation.

(b) As used in this subsection, the term "primary consumer" means a person who voluntarily identifies himself or herself as a person who is currently receiving, or has in the past received, mental health or substance abuse services from a public or private provider or agency; who can articulate shared experiences, such as stigmatization, psychotropic medications, suicidal ideation, seclusion or restraint, benefit eligibility, trauma, or violence history, which are similar to the experiences of other persons who have received such services; and who voluntarily acts as an advocate for the improvement of mental health or substance abuse services through his or her vocation or avocation.

(c)(b) The corporation shall be chaired by a member designated by the Governor who may not be a public sector employee.

(d)(e) Persons who derive their income from resources controlled by the Department of Children and Family Services or the Agency for Health Care Administration may not be members of the corporation.

(e)(d) The Governor, the President of the Senate, and the Speaker of the House of Representatives shall make their respective appointments within 60 days after the effective date of this act.

(f)(e) A member of the corporation may be removed by the appointing party for cause. Absence from three consecutive meetings shall result in automatic removal. The chairperson of the corporation shall notify the appointing party of such absences.

(g)(f) The corporation shall develop bylaws that describe how it will conduct its work.

(h)(g) The corporation shall meet at least quarterly and at other times upon the call of its chair. Corporation meetings may be held via teleconference or other electronic means.

(i)(h) A majority of the total current membership of the corporation constitutes a quorum of the corporation. The corporation may only meet and take action when a quorum is present.

(j)(i) Within resources appropriated by the Legislature and other funds available to the corporation, the chairperson of the corporation may appoint advisory committees to address and advise the corporation on particular issues within its scope of responsibility. Members of advisory committees are not subject to the prohibition in paragraph (c).

(k)(j) Members of the corporation and its committees shall serve without compensation but are entitled to reimbursement for travel and per diem expenses pursuant to s. 112.061.

(l)(k) Each member of the corporation who is not otherwise required to file a financial disclosure statement pursuant to s. 8, Art. II of the State Constitution or s. 112.3144 must file disclosure of financial interests pursuant to s. 112.3145.

(11) This section expires on October 1, 2011 ~~2006~~, unless reviewed and reenacted by the Legislature before that date.

Section 2. Section 394.66, Florida Statutes, is amended to read:

394.66 Legislative intent with respect to substance abuse and mental health services.—It is the intent of the Legislature to:

(1) Ensure that a recovery and resiliency-based substance abuse and mental health system is implemented by the department and its state-funded mental health providers.

~~(2)(1) Recognize that mental illness and substance abuse impairment are diseases that are responsive to medical and psychological interventions and management that integrate treatment, rehabilitative, and support services to achieve recovery quality and cost-efficient outcomes for clients and for community-based treatment systems.~~

~~(3)(2) Promote and improve the mental health of the citizens of the state by making substance abuse and mental health treatment and support services available to those persons who are most in need and least able to pay, through a community-based system of care.~~

~~(4)(3) Involve local citizens in the planning of substance abuse and mental health services in their communities.~~

~~(5)(4) Ensure that the department and the Agency for Health Care Administration work cooperatively in planning and designing comprehensive community-based substance abuse and mental health programs that focus on the individual needs of persons served ~~clients.~~~~

~~(6)(5) Ensure that all activities of the Department of Children and Family Services and the Agency for Health Care Administration, and their respective contract providers, involved in the delivery of substance abuse and mental health treatment and prevention services are coordinated and integrated with other local systems and groups, public and private, such as juvenile justice, criminal justice, child protection, and public health organizations; school districts; and local groups or organizations that focus on services to older adults.~~

~~(7)(6) Provide access to crisis services to all residents of the state with priority of attention being given to individuals exhibiting symptoms of acute mental illness or substance abuse.~~

~~(8)(7) Ensure that services provided to persons with co-occurring mental illness and substance abuse problems be integrated across treatment systems.~~

~~(9)(8) Ensure continuity of care, consistent with minimum standards, for persons who are released from a state treatment facility into the community.~~

~~(10) Ensure continuity of care, consistent with minimum standards, for persons with serious and persistent mental illnesses who are released from a state correctional facility into the community.~~

~~(11)(9) Provide accountability for service provision through statewide standards for treatment and support services, and statewide standards for management, monitoring, and reporting of information.~~

~~(12)(10) Include substance abuse and mental health services as a component of the integrated service delivery system of the Department of Children and Family Services.~~

~~(13)(11) Ensure that the districts of the department are the focal point of all substance abuse and mental health planning activities, including~~

budget submissions, grant applications, contracts, and other arrangements that can be effected at the district level.

~~(14)~~(12) Organize and finance community substance abuse and mental health services in local communities throughout the state through locally administered service delivery programs that are based on client outcomes, are programmatically effective, and are financially efficient, and that maximize the involvement of local citizens.

~~(15)~~(13) Promote best practices and the highest quality of care in contracted alcohol, drug abuse, and mental health services through achievement of national accreditation.

~~(16)~~(14) Ensure that the state agencies licensing and monitoring contracted providers perform in the most cost-efficient and effective manner with limited duplication and disruption to organizations providing services.

Section 3. Section 3 of chapter 2003-279, Laws of Florida, is repealed.

Section 4. This act shall take effect upon becoming a law.

Approved by the Governor May 30, 2006.

Filed in Office Secretary of State May 30, 2006.