

Council Substitute for  
Council Substitute for House Bill No. 1477

An act relating to forensic mental health; creating the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program within the Department of Children and Family Services; providing for the purpose of the grant program; requiring the Florida Substance Abuse and Mental Health Corporation, Inc., to establish a statewide grant review committee; providing for membership on the review committee; authorizing counties to apply for a planning grant or an implementation or expansion grant; requiring each county applying for a grant to have a planning council or committee; providing for membership on the planning council or committee; requiring that all records and meetings be open to the public; requiring the corporation, in collaboration with others, to develop criteria to be used in reviewing submitted applications and selecting counties to be awarded a planning, implementation, or expansion grant; requiring counties to include certain specified information when submitting the grant application; prohibiting a county from using grant funds to supplant existing funding; creating the Criminal Justice, Mental Health, and Substance Abuse Technical Assistance Center; providing for certain functions to be performed by the technical assistance center; requiring the technical assistance center to submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by a specified date; specifying the information to be included in the annual report; limiting the administrative costs a county may charge to the grant funds; amending s. 394.655, F.S.; expanding the ex officio membership of the Substance Abuse and Mental Health Corporation; creating the Criminal Justice, Mental Health, and Substance Abuse Policy Council within the Florida Substance Abuse and Mental Health Corporation; providing for membership; providing for the purpose of the council; amending ss. 947.005 and 948.001, F.S.; redefining the term “qualified practitioner”; providing a contingent effective date.

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

Section 1. Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program.—

(1) There is created within the Department of Children and Family Services the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program. The purpose of the program is to provide funding to counties with which they can plan, implement, or expand initiatives that increase public safety, avert increased spending on criminal justice, and improve the accessibility and effectiveness of treatment services for adults and juveniles who have a mental illness, substance abuse disorder, or co-occurring mental health and substance abuse disorders and who are in, or at risk of entering, the criminal or juvenile justice systems.

(2) The Florida Substance Abuse and Mental Health Corporation, Inc., created in s. 394.655, Florida Statutes, shall establish a statewide grant review committee. The committee shall include:

- (a) Five current members or appointees of the corporation;
- (b) One representative of the Department of Children and Family Services;
- (c) One representative of the Department of Corrections;
- (d) One representative of the Department of Juvenile Justice;
- (e) One representative of the Department of Elderly Affairs; and
- (f) One representative of the Office of the State Courts Administrator.

To the extent possible, the members of the committee shall have expertise in grant writing, grant reviewing, and grant application scoring.

(3)(a) A county may apply for a 1-year planning grant or a 3-year implementation or expansion grant. The purpose of the grants is to demonstrate that investment in treatment efforts related to mental illness, substance abuse disorders, or co-occurring mental health and substance abuse disorders results in a reduced demand on the resources of the judicial, corrections, juvenile detention, and health and social services systems.

(b) To be eligible to receive a 1-year planning grant or a 3-year implementation or expansion grant, a county applicant must have a county planning council or committee that is in compliance with the membership requirements set forth in this section.

(4) The grant review committee shall notify the Department of Children and Family Services in writing of the names of the applicants who have been selected by the committee to receive a grant. Contingent upon the availability of funds and upon notification by the review committee of those applicants approved to receive planning, implementation, or expansion grants, the Department of Children and Family Services may transfer funds appropriated for the grant program to any county awarded a grant.

## Section 2. County planning councils or committees.—

(1) Each board of county commissioners shall designate the county public safety coordinating council established under s. 951.26, Florida Statutes, or designate another criminal or juvenile justice mental health and substance abuse council or committee, as the planning council or committee. The public safety coordinating council or other designated criminal or juvenile justice mental health and substance abuse council or committee, in coordination with the county offices of planning and budget, shall make a formal recommendation to the board of county commissioners regarding how the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program may best be implemented within a community. The board of county commissioners may assign any entity to prepare the application on behalf

of the county administration for submission to the corporation for review. A county may join with one or more counties to form a consortium and use a regional public safety coordinating council or another county-designated regional criminal or juvenile justice mental health and substance abuse planning council or committee for the geographic area represented by the member counties.

(2)(a) For the purposes of this section, the membership of a designated planning council or committee must include:

1. The state attorney, or an assistant state attorney designated by the state attorney.

2. A public defender, or an assistant public defender designated by the public defender.

3. A circuit judge designated by the chief judge of the circuit.

4. A county court judge designated by the chief judge of the circuit.

5. The chief correctional officer.

6. The sheriff, if the sheriff is the chief correctional officer, or a person designated by the sheriff.

7. The police chief, or a person designated by the local police chiefs association.

8. The state probation circuit administrator, or a person designated by the state probation circuit administrator.

9. The local court administrator, or a person designated by the local court administrator.

10. The chairperson of the board of county commissioners, or another county commissioner designated by the chairperson, or, if the planning council is a consortium of counties, a county commissioner or designee from each member county.

11. The director of any county probation or pretrial intervention program, if the county has such a program.

12. The director of a local substance abuse treatment program, or a person designated by the director.

13. The director of a community mental health agency, or a person designated by the director.

14. A representative of the substance abuse program office and the mental health program office of the Department of Children and Family Services, selected by the substance abuse and mental health program supervisor of the district in which the county is located.

15. A primary consumer of mental health services, selected by the substance abuse and mental health program supervisor of the district in which

the primary consumer resides. If multiple counties apply together, a primary consumer may be selected to represent each county.

16. A primary consumer of substance abuse services, selected by the substance abuse and mental health program supervisor of the district in which the primary consumer resides. If the planning council is a consortium of counties, a primary consumer may be selected to represent each county.

17. A family member of a primary consumer of community-based treatment services, selected by the abuse and mental health program supervisor of the district in which the family member resides.

18. A representative from an area homeless program or a supportive housing program.

19. The director of the detention facility of the Department of Juvenile Justice, or a person designated by the director.

20. The chief probation officer of the Department of Juvenile Justice, or an employee designated by the chief probation officer.

(b) The chairperson of the board of county commissioners or another county commissioner, if designated, shall serve as the chairperson of the planning council or committee until a chairperson is elected from the membership.

(c) All meetings of the planning council or committee, as well as its records, books, documents, and papers, shall be open and available to the public in accordance with ss. 119.07 and 286.011, Florida Statutes.

(3)(a) If a public safety coordinating council established under s. 951.26, Florida Statutes, acts as the planning council, its membership must include all persons listed in paragraph (2)(a).

(b) A public safety coordinating council that is acting as the planning council must include an assessment of the availability of mental health programs in addition to the assessments required under s. 951.26(2), Florida Statutes.

Section 3. Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program requirements.—

(1) The Substance Abuse and Mental Health Corporation Statewide Grant Review Committee, in collaboration with the Department of Children and Family Services, the Department of Corrections, the Department of Juvenile Justice, the Department of Elderly Affairs, and the Office of the State Courts Administrator, shall establish criteria to be used by the corporation to review submitted applications and to select the county that will be awarded a 1-year planning grant or a 3-year implementation or expansion grant. A planning, implementation, or expansion grant may not be awarded unless the application of the county meets the established criteria.

(a) The application criteria for a 1-year planning grant must include a requirement that the applicant county or counties have a strategic plan to

initiate systemic change to identify and treat individuals who have a mental illness, substance abuse disorder, or co-occurring mental health and substance abuse disorders who are in, or at risk of entering, the criminal or juvenile justice systems. The 1-year planning grant must be used to develop effective collaboration efforts among participants in affected governmental agencies, including the criminal, juvenile, and civil justice systems, mental health and substance abuse treatment service providers, transportation programs, and housing assistance programs. The collaboration efforts shall be the basis for developing a problem-solving model and strategic plan for treating adults and juveniles who are in, or at risk of entering, the criminal or juvenile justice system and doing so at the earliest point of contact, taking into consideration public safety. The planning grant shall include strategies to divert individuals from judicial commitment to community-based service programs offered by the Department of Children and Family Services in accordance with ss. 916.13 and 916.17, Florida Statutes.

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

1. Mental health courts;
2. Diversion programs;
3. Alternative prosecution and sentencing programs;
4. Crisis intervention teams;
5. Treatment accountability services;
6. Specialized training for criminal justice, juvenile justice, and treatment services professionals;
7. Service delivery of collateral services such as housing, transitional housing, and supported employment; and
8. Reentry services to create or expand mental health and substance abuse services and supports for affected persons.

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

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

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

b. The percentage of each category of persons admitted to the jail and juvenile detention center that represents people who have a mental illness,

substance abuse disorder, or co-occurring mental health and substance abuse disorders; and

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

2. A description of the strategies the county intends to use to serve one or more clearly defined subsets of the population of the jail and juvenile detention center who have a mental illness or to serve those at risk of arrest and incarceration. The proposed strategies may include identifying the population designated to receive the new interventions, a description of the services and supervision methods to be applied to that population, and the goals and measurable objectives of the new interventions. The interventions a county may use with the target population may include, but are not limited to:

a. Specialized responses by law enforcement agencies;

b. Centralized receiving facilities for individuals evidencing behavioral difficulties;

c. Post-booking alternatives to incarceration;

d. New court programs, including pretrial services and specialized dockets;

e. Specialized diversion programs;

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

g. Specialized probation processes;

h. Day-reporting centers;

i. Linkages to community-based, evidence-based treatment programs for adults and juveniles who have mental illness or substance abuse disorders; and

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

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

a. The county's estimate of how the initiative will reduce the expenditures associated with the incarceration of adults and the detention of juveniles who have a mental illness;

b. The methodology that the county intends to use to measure the defined outcomes and the corresponding savings or averted costs;

c. The county's estimate of how the cost savings or averted costs will sustain or expand the mental health and substance abuse treatment services and supports needed in the community; and

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

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

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

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

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

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

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

Section 4. Criminal Justice, Mental Health, and Substance Abuse Technical Assistance Center.—

(1) There is created a Criminal Justice, Mental Health, and Substance Abuse Technical Assistance Center at the Louis de la Parte Florida Mental Health Institute at the University of South Florida, which shall:

(a) Provide technical assistance to counties in preparing a grant application.

(b) Assist an applicant county in projecting the effect of the proposed intervention on the population of the county detention facility.

(c) Assist an applicant county in monitoring the effect of a grant award on the criminal justice system in the county.

(d) Disseminate and share evidence-based practices and best practices among grantees.

(e) Act as a clearinghouse for information and resources related to criminal justice, juvenile justice, mental health, and substance abuse.

(f) Coordinate and organize the process of the state interagency justice, mental health, and substance abuse work group with the outcomes of the local grant projects for state and local policy and budget developments and system planning.

(2) The Substance Abuse and Mental Health Corporation and the Criminal Justice, Mental Health, and Substance Abuse Technical Assistance Center shall submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1 of each year, beginning on January 1, 2009. The report must include:

(a) A detailed description of the progress made by each grantee in meeting the goals described in the application;

(b) A description of the effect the grant-funded initiatives have had on meeting the needs of adults and juveniles who have a mental illness, substance abuse disorder, or co-occurring mental health and substance abuse disorders, thereby reducing the number of forensic commitments to state mental health treatment facilities;

(c) A summary of the effect of the grant program on the growth and expenditures of the jail, juvenile detention center, and prison;

(d) A summary of the initiative's effect on the availability and accessibility of effective community-based mental health and substance abuse treatment services for adults and juveniles who have a mental illness, substance abuse disorder, or co-occurring mental health and substance abuse disorders. The summary must describe how the expanded community diversion alternatives have reduced incarceration and commitments to state mental health treatment facilities; and

(e) A summary of how the local matching funds provided by the county or consortium of counties leveraged additional funding to further the goals of the grant program.

Section 5. Administrative costs and number of grants awarded.—

(1) The administrative costs for each applicant county or consortium of counties may not exceed 10 percent of the total funding received for any grant.

(2) The number of grants awarded shall be based on funding appropriated for that purpose.



Section 6. Paragraph (a) of subsection (6) of section 394.655, Florida Statutes, is amended, subsection (11) is renumbered as subsection (12), and a new subsection (11) is added to that section, to read:

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

(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 or family member of a primary consumer of mental health services, 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 or family member of a primary consumer of substance abuse services, 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 Elderly Affairs, 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.

(11)(a) There is established a Criminal Justice, Mental Health, and Substance Abuse Policy Council within the Florida Substance Abuse and Mental Health Corporation. The members of the council are:

1. The chairperson of the corporation;
2. The Secretary of Children and Family Services;
3. The Secretary of Corrections;
4. The Secretary of Health Care Administration;
5. The Secretary of Juvenile Justice;

6. The Secretary of Elderly Affairs; and
7. The State Courts Administrator.

(b) The purpose of the council shall be to align policy initiatives in the criminal justice, juvenile justice, and mental health systems to ensure the most effective use of resources and to coordinate the development of legislative proposals and budget requests relating to the shared needs of adults and juveniles who have a mental illness, substance abuse disorder, or co-occurring mental health and substance abuse disorders who are in, or at risk of entering, the criminal justice system.

(c) The council shall work in conjunction with counties that have been awarded a Criminal Justice, Mental Health, and Substance Abuse Reinvestment grant to ensure that effective strategies identified by those counties are disseminated statewide and to establish a dialogue for purposes of policy and budget development and system change and improvement. The council shall coordinate its efforts with the Criminal Justice, Mental Health, and Substance Abuse Technical Assistance Center.

(d) Each member agency of the council shall designate an agency liaison to assist in the work of the council.

Section 7. Subsection (9) of section 947.005, Florida Statutes, is amended to read:

947.005 Definitions.—As used in this chapter, unless the context clearly indicates otherwise:

(9) “Qualified practitioner” means a psychiatrist licensed under chapter 458 or chapter 459, a psychologist licensed under chapter 490, or a social worker, a mental health counselor, or a marriage and family therapist licensed under chapter 491 who practices in accordance with his or her respective practice act, as determined by rule of the respective boards, has the coursework, training, qualifications, and experience to evaluate and treat sex offenders.

Section 8. Subsection (6) of section 948.001, Florida Statutes, is amended to read:

948.001 Definitions.—As used in this chapter, the term:

(6) “Qualified practitioner” means a psychiatrist licensed under chapter 458 or chapter 459, a psychologist licensed under chapter 490, or a social worker, a mental health counselor, or a marriage and family therapist licensed under chapter 491 who practices in accordance with his or her respective practice act, as determined by rule of the respective boards, has the coursework, training, qualifications, and experience to evaluate and treat sex offenders.

Section 9. This act shall take effect July 1, 2007, only if a specific appropriation to fund the provisions of the act is made in the General Appropriations Act for fiscal year 2007-2008.

Approved by the Governor June 19, 2007.

Filed in Office Secretary of State June 19, 2007.