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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/16/2015	.	
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	.	

The Committee on Appropriations (Garcia) recommended the following:

Senate Amendment (with title amendment)

Delete lines 3063 - 3154

and insert:

Section 16. Effective July 1, 2016, section 394.4672, Florida Statutes, is amended to read:

394.4672 Procedure for placement of veteran with federal agency.—

(1) A facility owned, operated, or administered by the United States Department of Veterans Affairs which provides



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11 mental health services has authority as granted by the
12 Department of Veterans' Affairs to:

13 (a) Initiate and conduct involuntary examinations pursuant
14 to s. 394.463.

15 (b) Provide voluntary treatment pursuant to s. 394.4625.

16 (c) Petition for involuntary inpatient placement pursuant
17 to s. 394.467.

18 (d) Provide involuntary inpatient placement pursuant to
19 this part.

20 (2)(1) If a ~~Whenever it is determined by the court~~
21 determines that an individual ~~a person~~ meets the criteria for
22 involuntary placement and he or she ~~it appears that such person~~
23 is eligible for care or treatment by the United States
24 Department of Veterans Affairs or another ~~other~~ agency of the
25 United States Government, the court, upon receipt of a
26 certificate from the United States Department of Veterans
27 Affairs or such other agency showing that facilities are
28 available and that the individual ~~person~~ is eligible for care or
29 treatment therein, may place that individual ~~person~~ with the
30 United States Department of Veterans Affairs or other federal
31 agency. The individual ~~person whose placement is sought~~ shall be
32 personally served with notice of the pending placement
33 proceeding in the manner as provided in this part. ~~and nothing~~
34 in This section does not shall affect the individual's ~~his or~~
35 her ~~right to appear and be heard in the proceeding. Upon~~
36 placement, the individual is ~~person shall be~~ subject to the
37 rules and ~~regulations of the United States Department of~~
38 Veterans Affairs or other federal agency.

39 (3)(2) The judgment or order of placement issued by a court



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40 of competent jurisdiction of another state or of the District of
41 Columbia which places an individual, ~~placing a person~~ with the
42 United States Department of Veterans Affairs or other federal
43 agency for care or treatment has, ~~shall have~~ the same force and
44 effect in this state as in the jurisdiction of the court
45 entering the judgment or making the order. ~~and~~ The courts of
46 the placing state or of the District of Columbia shall retain ~~be~~
47 ~~deemed to have retained~~ jurisdiction of the individual ~~person~~ so
48 placed. Consent is hereby given to the application of the law of
49 the placing state or district with respect to the authority of
50 the chief officer of any facility of the United States
51 Department of Veterans Affairs or other federal agency operated
52 in this state to retain custody or to transfer, parole, or
53 discharge the individual ~~person~~.

54 (4) ~~(3)~~ Upon receipt of a certificate of the United States
55 Department of Veterans Affairs or another ~~such other~~ federal
56 agency that facilities are available for the care or treatment
57 of individuals who have mental illness or substance abuse
58 impairment ~~mentally ill persons~~ and that an individual ~~the~~
59 ~~person~~ is eligible for that care or treatment, the administrator
60 of the receiving or treatment facility may ~~cause the transfer of~~
61 that individual ~~person~~ to the United States Department of
62 Veterans Affairs or other federal agency. Upon ~~effecting~~ such
63 transfer, the committing court shall be notified by the
64 transferring agency. An individual may not ~~No person shall~~ be
65 transferred ~~to the United States Department of Veterans Affairs~~
66 ~~or other federal agency~~ if he or she is confined pursuant to the
67 conviction of any felony or misdemeanor or if he or she has been
68 acquitted of the charge solely on the ground of insanity, unless



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69 prior to transfer the court placing the individual ~~such person~~
70 enters an order for the transfer after appropriate motion and
71 hearing and without objection by the United States Department of
72 Veterans Affairs.

73 ~~(5)(4)~~ An individual ~~Any person~~ transferred as provided in
74 this section is ~~shall be~~ deemed to be placed with the United
75 States Department of Veterans Affairs or other federal agency
76 pursuant to the original placement.

77 Section 17. Section 394.47891, Florida Statutes, is amended
78 to read:

79 394.47891 Military veterans and servicemembers court
80 programs.—The chief judge of each judicial circuit may establish
81 a Military Veterans and Servicemembers Court Program under which
82 veterans, as defined in s. 1.01, including veterans who were
83 discharged or released under a general discharge, and
84 servicemembers, as defined in s. 250.01, who are convicted of a
85 criminal offense and who suffer from a military-related mental
86 illness, traumatic brain injury, substance abuse disorder, or
87 psychological problem can be sentenced in accordance with
88 chapter 921 in a manner that appropriately addresses the
89 severity of the mental illness, traumatic brain injury,
90 substance abuse disorder, or psychological problem through
91 services tailored to the individual needs of the participant.
92 Entry into any Military Veterans and Servicemembers Court
93 Program must be based upon the sentencing court's assessment of
94 the defendant's criminal history, military service, substance
95 abuse treatment needs, mental health treatment needs,
96 amenability to the services of the program, the recommendation
97 of the state attorney and the victim, if any, and the



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98 defendant's agreement to enter the program.

99 Section 18. Section 394.47892, Florida Statutes, is created
100 to read:

101 394.47892 Treatment-based mental health court programs.-

102 (1) Each county may fund a treatment-based mental health
103 court program under which persons in the justice system assessed
104 with a mental illness will be processed in such a manner as to
105 appropriately address the severity of the identified mental
106 health problem through treatment services tailored to the
107 individual needs of the participant. The Legislature intends to
108 encourage the Department of Corrections, the Department of
109 Children and Families, the Department of Juvenile Justice, the
110 Department of Health, the Department of Law Enforcement, the
111 Department of Education, and such agencies, local governments,
112 law enforcement agencies, other interested public or private
113 sources, and individuals to support the creation and
114 establishment of these problem-solving court programs.

115 Participation in the treatment-based mental health court
116 programs does not divest any public or private agency of its
117 responsibility for a child or adult, but enables these agencies
118 to better meet their needs through shared responsibility and
119 resources.

120 (2) Entry into any pretrial treatment-based mental health
121 court program is voluntary.

122 (3) (a) Entry into any postadjudicatory treatment-based
123 mental health court program as a condition of probation or
124 community control pursuant to s. 948.01 or s. 948.06 must be
125 based upon the sentencing court's assessment of the defendant's
126 criminal history, mental health screening outcome, amenability



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127 to the services of the program, the recommendation of the state
128 attorney and the victim, if any, and the defendant's agreement
129 to enter the program.

130 (b) An offender who is sentenced to a postadjudicatory
131 treatment-based mental health court program and who, while a
132 mental health court program participant, is the subject of a
133 violation of probation or community control under s. 948.06
134 shall have the violation of probation or community control heard
135 by the judge presiding over the postadjudicatory treatment-based
136 mental health court program. The judge shall dispose of any such
137 violation, after a hearing on or admission of the violation, as
138 he or she deems appropriate if the resulting sentence or
139 conditions are lawful.

140 (4) Treatment-based mental health court programs may
141 include pretrial intervention programs as provided in s. 948.08,
142 treatment-based mental health court programs authorized in
143 chapter 39, postadjudicatory programs as provided in ss. 948.01
144 and 948.06, and review of the status of compliance or
145 noncompliance of sentenced offenders through a treatment-based
146 mental health court program.

147 (5) Contingent upon an annual appropriation by the
148 Legislature, each judicial circuit with a treatment-based mental
149 health court program shall establish, at a minimum, one
150 coordinator position for the treatment-based mental health court
151 program within the state courts system to coordinate the
152 responsibilities of the participating agencies and service
153 providers. Each coordinator shall provide direct support to the
154 treatment-based mental health court program by providing
155 coordination between the multidisciplinary team and the



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156 judiciary, providing case management, monitoring compliance of
157 the participants in the treatment-based mental health court
158 program with court requirements, and providing program
159 evaluation and accountability.

160 (6) If a county chooses to fund a treatment-based mental
161 health court program, the county must secure funding from
162 sources other than the state for those costs not otherwise
163 assumed by the state pursuant to s. 29.004. However, this does
164 not preclude a county from using treatment and other service
165 funding provided through state executive branch agencies.
166 Counties may provide, by interlocal agreement, for the
167 collective funding of these programs.

168 (7) The chief judge of each judicial circuit may appoint an
169 advisory committee for the treatment-based mental health court
170 program. The committee shall be composed of the chief judge, or
171 his or her designee, who shall serve as chair; the judge of the
172 treatment-based mental health court program, if not otherwise
173 designated by the chief judge as his or her designee; the state
174 attorney, or his or her designee; the public defender, or his or
175 her designee; the treatment-based mental health court program
176 coordinators; community representatives; treatment
177 representatives; and any other persons the chair finds are
178 appropriate.

179 Section 19. Section 394.656, Florida Statutes, is amended
180 to read:

181 394.656 Criminal Justice, Mental Health, and Substance
182 Abuse Reinvestment Grant Program.—

183 (1) There is created within the Department of Children and
184 Families the Criminal Justice, Mental Health, and Substance



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185 Abuse Reinvestment Grant Program. The purpose of the program is
186 to provide funding to counties with which they can plan,
187 implement, or expand initiatives that increase public safety,
188 avert increased spending on criminal justice, and improve the
189 accessibility and effectiveness of treatment services for adults
190 and juveniles who have a mental illness, substance abuse
191 disorder, or co-occurring mental health and substance abuse
192 disorders and who are in, or at risk of entering, the criminal
193 or juvenile justice systems.

194 (2) The department shall establish a Criminal Justice,
195 Mental Health, and Substance Abuse Statewide Grant Review
196 Committee. The committee shall include:

197 (a) One representative of the Department of Children and
198 Families;

199 (b) One representative of the Department of Corrections;

200 (c) One representative of the Department of Juvenile
201 Justice;

202 (d) One representative of the Department of Elderly
203 Affairs; ~~and~~

204 (e) One representative of the Office of the State Courts
205 Administrator;

206 (f) One representative of the Department of Veterans'
207 Affairs;

208 (g) One representative of the Florida Sheriffs Association;

209 (h) One representative of the Florida Police Chiefs
210 Association;

211 (i) One representative of the Florida Association of
212 Counties;

213 (j) One representative of the Florida Alcohol and Drug



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214 Abuse Association; and

215 (k) One representative from the Florida Council for
216 Community Mental Health.

217
218 The committee shall serve as the advisory body to review policy
219 and funding issues that help reduce the impact of persons with
220 mental illness and substance abuse disorders on communities and
221 the court system. The committee shall advise the department in
222 selecting priorities for applying and reviewing grants and
223 investing awarded grant moneys.

224 (3) In addition to the committee established pursuant to
225 subsection (2), the department shall create a grant review and
226 selection committee. To the extent possible, the members of the
227 grant review and selection committee shall have expertise in the
228 content areas relating to grant applications, including, but not
229 limited to, substance abuse and mental health disorders,
230 community corrections, and law enforcement. In addition, members
231 shall have experience in ~~grant writing,~~ grant reviewing, and
232 grant application scoring.

233 (4) (a) ~~(3) (a)~~ A county, or a not-for-profit community
234 provider designated by a local county planning council or
235 committee described in s. 394.657, may apply for a ~~1-year~~
236 ~~planning grant or a~~ 3-year implementation or expansion grant.
237 The purpose of the grants is to demonstrate that investment in
238 treatment efforts related to mental illness, substance abuse
239 disorders, or co-occurring mental health and substance abuse
240 disorders results in a reduced demand on the resources of the
241 judicial, corrections, juvenile detention, and health and social
242 services systems.



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243 (b) To be eligible to receive a ~~1-year planning grant or a~~
244 3-year implementation or expansion grant, a county applicant
245 must have a county planning council or committee that is in
246 compliance with the membership requirements set forth in this
247 section.

248 (5)~~(4)~~ The Criminal Justice, Mental Health, and Substance
249 Abuse Statewide Grant Review Committee shall notify the
250 Department of Children and Families in writing of the names of
251 the applicants who have been selected by the committee to
252 receive a grant. Contingent upon the availability of funds and
253 upon notification by the ~~review~~ committee of those applicants
254 approved to receive ~~planning, implementation, or expansion~~
255 grants, the Department of Children and Families may transfer
256 funds appropriated for the grant program to an approved
257 applicant ~~any county awarded a grant.~~

258 Section 20. Paragraph (a) of subsection (1) of section
259 394.875, Florida Statutes, is amended to read:

260 394.875 Crisis stabilization units, residential treatment
261 facilities, and residential treatment centers for children and
262 adolescents; authorized services; license required.—

263 (1)(a) The purpose of a crisis stabilization unit is to
264 stabilize and redirect a client to the most appropriate and
265 least restrictive community setting available, consistent with
266 the client's needs. Crisis stabilization units may screen,
267 assess, and admit for stabilization persons who present
268 themselves to the unit and persons who are brought to the unit
269 under s. 394.463. Clients may be provided 24-hour observation,
270 medication prescribed by a physician or psychiatrist, and other
271 appropriate services. Crisis stabilization units shall provide



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272 services regardless of the client's ability to pay ~~and shall be~~
273 ~~limited in size to a maximum of 30 beds.~~

274 Section 21. Present subsections (10) and (11) of section
275 394.9082, Florida Statutes, are redesignated as subsections (11)
276 and (12), respectively, and a new subsection (10) is added to
277 that section, to read:

278 394.9082 Behavioral health managing entities.-

279 (10) CRISIS STABILIZATION SERVICES UTILIZATION DATABASE.-

280 The department shall develop, implement, and maintain standards
281 under which a managing entity shall collect utilization data
282 from all public receiving facilities situated within its
283 geographic service area. As used in this subsection, the term
284 "public receiving facility" means an entity that meets the
285 licensure requirements of and is designated by the department to
286 operate as a public receiving facility under s. 394.875 and that
287 is operating as a licensed crisis stabilization unit.

288 (a) The department shall develop standards and protocols
289 for managing entities and public receiving facilities to use in
290 the collection, storage, transmittal, and analysis of data. The
291 standards and protocols must allow for compatibility of data and
292 data transmittal between public receiving facilities, managing
293 entities, and the department for the implementation and
294 requirements of this subsection. The department shall require
295 managing entities contracted under this section to comply with
296 this subsection by August 1, 2015.

297 (b) A managing entity shall require a public receiving
298 facility within its provider network to submit data to the
299 managing entity, in real time or at least daily, for:

300 1. All admissions and discharges of clients receiving



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301 public receiving facility services who qualify as indigent, as
302 defined in s. 394.4787; and

303 2. Current active census of total licensed beds, the number
304 of beds purchased by the department, the number of clients
305 qualifying as indigent occupying those beds, and the total
306 number of unoccupied licensed beds regardless of funding.

307 (c) A managing entity shall require a public receiving
308 facility within its provider network to submit data, on a
309 monthly basis, to the managing entity which aggregates the daily
310 data submitted under paragraph (b). The managing entity shall
311 reconcile the data in the monthly submission to the data
312 received by the managing entity under paragraph (b) to check for
313 consistency. If the monthly aggregate data submitted by a public
314 receiving facility under this paragraph is inconsistent with the
315 daily data submitted under paragraph (b), the managing entity
316 shall consult with the public receiving facility to make
317 corrections as necessary to ensure accurate data.

318 (d) A managing entity shall require a public receiving
319 facility within its provider network to submit data, on an
320 annual basis, to the managing entity which aggregates the data
321 submitted and reconciled under paragraph (c). The managing
322 entity shall reconcile the data in the annual submission to the
323 data received and reconciled by the managing entity under
324 paragraph (c) to check for consistency. If the annual aggregate
325 data submitted by a public receiving facility under this
326 paragraph is inconsistent with the data received and reconciled
327 under paragraph (c), the managing entity shall consult with the
328 public receiving facility to make corrections as necessary to
329 ensure accurate data.



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330 (e) After ensuring accurate data under paragraphs (c) and
331 (d), the managing entity shall submit the data to the department
332 on a monthly and an annual basis. The department shall create a
333 statewide database for the data described under paragraph (b)
334 and submitted under this paragraph for the purpose of analyzing
335 the payments for and the use of crisis stabilization services
336 funded under the Baker Act on a statewide basis and on an
337 individual public receiving facility basis.

338 (f) The department shall adopt rules to administer this
339 subsection.

340 (g) The department shall submit a report by January 31,
341 2016, and annually thereafter, to the Governor, the President of
342 the Senate, and the Speaker of the House of Representatives
343 which provides details on the implementation of this subsection,
344 including the status of the data collection process and a
345 detailed analysis of the data collected under this subsection.

346 Section 22. For the 2015-2016 fiscal year, the sum of
347 \$175,000 in nonrecurring funds is appropriated from the Alcohol,
348 Drug Abuse, and Mental Health Trust Fund to the Department of
349 Children and Families to implement this subsection.

351 ===== T I T L E A M E N D M E N T =====

352 And the title is amended as follows:

353 Delete lines 132 - 136

354 and insert:

355 examinations and provide certain treatments; amending
356 s. 394.47891, F.S.; expanding eligibility criteria for
357 military veterans' and servicemembers' court programs;
358 creating s. 394.47892, F.S.; authorizing counties to



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359 fund treatment-based mental health court programs;
360 providing legislative intent; providing that pretrial
361 program participation is voluntary; specifying
362 criteria that a court must consider before sentencing
363 a person to a postadjudicatory treatment-based mental
364 health court program; requiring a judge presiding over
365 a postadjudicatory treatment-based mental health court
366 program to hear a violation of probation or community
367 control under certain circumstances; providing that
368 treatment-based mental health court programs may
369 include specified programs; requiring a judicial
370 circuit with a treatment-based mental health court
371 program to establish a coordinator position, subject
372 to annual appropriation by the Legislature; providing
373 county funding requirements for treatment-based mental
374 health court programs; authorizing the chief judge of
375 a judicial circuit to appoint an advisory committee
376 for the treatment-based mental health court program;
377 specifying membership of the committee; amending s.
378 394.656, F.S.; revising the composition and duties of
379 the Criminal Justice, Mental Health, and Substance
380 Abuse Statewide Grant Review Committee within the
381 Department of Children and Families; requiring the
382 department to create a grant review and selection
383 committee; prescribing duties of the committee;
384 authorizing a designated not-for-profit community
385 provider to apply for certain grants; amending s.
386 394.875, F.S.; removing a limitation on the number of
387 beds in crisis stabilization units; amending s.



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388 394.9082, F.S.; defining the term "public receiving
389 facility"; requiring the department to establish
390 specified standards and protocols with respect to the
391 administration of the crisis stabilization services
392 utilization database; directing managing entities to
393 require public receiving facilities to submit
394 utilization data on a periodic basis; providing
395 requirements for the data; requiring managing entities
396 to periodically submit aggregate data to the
397 department; requiring the department to adopt rules;
398 requiring the department to annually submit a report
399 to the Governor and the Legislature; prescribing
400 report requirements; providing an appropriation to
401 implement the database; providing a directive to