

1 A bill to be entitled

2 An act relating to mental health and substance abuse;
3 amending s. 394.494, F.S.; revising a requirement for
4 the Department of Children and Families relating to
5 certain performance outcomes and measures; amending s.
6 394.4955, F.S.; requiring managing entities to lead
7 the implementation of a coordinated system of care;
8 repealing s. 394.74, F.S., relating to contracts for
9 provision of local substance abuse and mental health
10 programs; repealing s. 394.75, F.S., relating to state
11 and district substance abuse and mental health plans;
12 repealing s. 394.76, F.S., relating to financing of
13 district programs and services; amending s. 394.9082,
14 F.S.; revising the definition of the term "managing
15 entity"; revising the duties of the department;
16 revising department requirements for, and
17 authorizations relating to, contracting with managing
18 entities; requiring the department to review such
19 assessments, in consultation with managing entity
20 representatives, for inclusion in the department's
21 legislative budget request; revising managing entity
22 duties; deleting a requirement for certain managing
23 entities to enter into a memoranda of understanding
24 relating to network accreditation and systems
25 coordination within a specified timeframe; revising

26 | the timeframe for annually submitting enhancement
 27 | plans; revising requirements relating to the acute
 28 | care services utilization database; amending ss.
 29 | 394.4574, 394.493, and 394.674, F.S.; conforming
 30 | provisions to changes made by the act; reenacting ss.
 31 | 394.9086(3)(a) and 394.9087(6), F.S., relating to the
 32 | Commission on Mental Health and Substance Abuse and
 33 | the Florida Veterans' Care Coordination Program,
 34 | respectively, to incorporate the amendments made to s.
 35 | 394.9082, F.S., in references thereto; providing an
 36 | effective date.

37 |

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

39 |

40 | Section 1. Subsection (2) of section 394.494, Florida
 41 | Statutes, is amended to read:

42 | 394.494 General performance outcomes for the child and
 43 | adolescent mental health treatment and support system.—

44 | (2) Annually, pursuant to former s. 216.0166, the
 45 | department shall develop ~~more~~ specific performance outcomes and
 46 | performance measures to assess the performance of the child and
 47 | adolescent mental health treatment and support system in
 48 | achieving the intent of this section.

49 | Section 2. Subsection (1) of section 394.4955, Florida
 50 | Statutes, is amended to read:

51 394.4955 Coordinated system of care; child and adolescent
52 mental health treatment and support.—

53 (1) Pursuant to s. 394.9082(5)(d), each managing entity
54 shall lead the development and implementation ~~of a plan that~~
55 ~~promotes the development and effective implementation~~ of a
56 coordinated system of care which integrates services provided
57 through providers funded by the state's child-serving systems
58 and facilitates access by children and adolescents, as resources
59 permit, to needed mental health treatment and services at any
60 point of entry regardless of the time of year, intensity, or
61 complexity of the need, and other systems with which such
62 children and adolescents are involved, as well as treatment and
63 services available through other systems for which they would
64 qualify.

65 Section 3. Section 394.74, Florida Statutes, is repealed.

66 Section 4. Section 394.75, Florida Statutes, is repealed.

67 Section 5. Section 394.76, Florida Statutes, is repealed.

68 Section 6. Paragraph (e) of subsection (2), paragraphs (b)
69 and (j) of subsection (4), paragraphs (b) and (l) of subsection
70 (5), paragraph (b) of subsection (6), and subsections (8) and
71 (10) of section 394.9082, Florida Statutes, are amended, and
72 paragraphs (n) and (o) are added to subsection (3) and paragraph
73 (v) is added to subsection (5) of that section, to read:

74 394.9082 Behavioral health managing entities.—

75 (2) DEFINITIONS.—As used in this section, the term:

76 (e) "Managing entity" means a corporation:

77 1. Selected by and under contract with the department to

78 manage the daily operational delivery of behavioral health

79 services through a coordinated system of care that does not

80 provide therapeutic services; and

81 2. That is eligible to receive federal block grant

82 funding.

83 (3) DEPARTMENT DUTIES.—The department shall:

84 (n) Work with the managing entities and allow managing

85 entities to have direct input when reviewing expenditures to

86 determine funding of appropriate services and reduce

87 administrative burdens.

88 (o) Complete a review of all reports submitted by managing

89 entities for the purpose of reducing administrative burdens by

90 identifying obsolete, duplicative, and uninformative reports.

91 (4) CONTRACT WITH MANAGING ENTITIES.—

92 (b) The department may ~~shall~~ issue an invitation to

93 negotiate under s. 287.057 to select an organization to serve as

94 a managing entity. If the department does not receive a

95 responsive bid ~~receives fewer than two responsive bids~~ to the

96 solicitation, the department may ~~shall~~ reissue the solicitation

97 and managed behavioral health organizations shall be eligible to

98 bid and be awarded a contract, notwithstanding the federal block

99 grant eligibility requirement.

100 (j) ~~By June 30, 2019,~~ If all other contract requirements

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101 and performance standards are substantially met and the
102 department determines that a managing entity has maintained
103 ~~under contract as of July 1, 2016, has received~~ network
104 accreditation pursuant to subsection (6), the department may
105 continue its contract with the managing entity for as long as
106 the managing entity meets its contractual and performance
107 requirements up to, but not exceeding, 5 years, including any
108 ~~and all renewals and extensions. Thereafter, the department must~~
109 ~~issue a competitive solicitation pursuant to paragraph (b).~~

110 (5) MANAGING ENTITY DUTIES.—A managing entity shall:

111 (b) Conduct a community behavioral health care needs
112 assessment every 3 years in the geographic area served by the
113 managing entity which identifies needs by subregion. The process
114 for conducting the needs assessment shall include an opportunity
115 for public participation. The assessment shall include, at a
116 minimum, the information the department needs for its annual
117 report to the Governor and Legislature pursuant to s. 394.4573.
118 The assessment shall also include a list and descriptions of any
119 gaps in the arrays of services for children or adolescents
120 identified pursuant to s. 394.4955 and recommendations for
121 addressing such gaps. The managing entity shall provide the
122 needs assessment to the department. The department, in
123 consultation with the managing entity representatives, shall
124 review such assessments for inclusion in the department's
125 legislative budget request.

126 (1) Work collaboratively with ~~public~~ receiving facilities
 127 and licensed housing providers to establish a network of
 128 licensed housing resources for mental health consumers that will
 129 prevent and reduce readmissions to public receiving facilities.

130 (v) Collaborate with county emergency operation centers to
 131 identify organizations that ensure access to and coordinate
 132 delivery of behavioral health services to responders and
 133 survivors and survivor's family members of a public emergency as
 134 critical public health infrastructure.

135 (6) NETWORK ACCREDITATION AND SYSTEMS COORDINATION
 136 AGREEMENTS.—

137 (b) If no accreditations are available or deemed
 138 acceptable pursuant to paragraph (a) which address coordination
 139 between the provider network and major systems and programs with
 140 which the provider network interacts, each managing entity shall
 141 enter into memoranda of understanding which details mechanisms
 142 for communication and coordination. The managing entity shall
 143 enter into such memoranda with any community-based care lead
 144 agencies, circuit courts, county courts, sheriffs' offices,
 145 offices of the public defender, offices of criminal conflict and
 146 civil regional counsel, Medicaid managed medical assistance
 147 plans, and homeless coalitions in its service area. ~~Each~~
 148 ~~managing entity under contract on July 1, 2016, shall enter into~~
 149 ~~such memoranda by June 30, 2017, and each managing entity under~~
 150 ~~contract after July 1, 2016, shall enter into such memoranda~~

151 ~~within 1 year after its contract execution date.~~

152 (8) ENHANCEMENT PLANS.—By June ~~September~~ 1 of each year,
 153 ~~beginning in 2017,~~ each managing entity shall develop and submit
 154 to the department a description of strategies for enhancing
 155 services and addressing three to five priority needs in the
 156 service area. The planning process sponsored by the managing
 157 entity shall include consumers and their families, community-
 158 based care lead agencies, local governments, law enforcement
 159 agencies, service providers, community partners and other
 160 stakeholders. Each strategy must be described in detail and
 161 accompanied by an implementation plan that specifies action
 162 steps, identifies responsible parties, and delineates specific
 163 services that would be purchased, projected costs, the projected
 164 number of individuals that would be served, and the estimated
 165 benefits of the services. The department shall consider
 166 enhancement plans submitted by the managing entities in the
 167 department's legislative budget request ~~All or parts of these~~
 168 ~~enhancement plans may be included in the department's annual~~
 169 ~~budget requests submitted to the Legislature.~~

170 (10) ACUTE CARE SERVICES UTILIZATION DATABASE.—The
 171 department shall develop, implement, and maintain standards
 172 under which a managing entity shall collect utilization data
 173 from all contracted public receiving facilities situated within
 174 its geographical service area and all detoxification and
 175 addictions receiving facilities under contract with the managing

176 entity. As used in this subsection, the term "public receiving
177 facility" means an entity that meets the licensure requirements
178 of, and is designated by, the department to operate as a public
179 receiving facility under s. 394.875 and that is operating as a
180 licensed crisis stabilization unit.

181 (a) The department shall develop standards and protocols
182 to be used for data collection, storage, transmittal, and
183 analysis. The standards and protocols shall allow for
184 compatibility of data and data transmittal between public
185 receiving facilities, detoxification facilities, addictions
186 receiving facilities, managing entities, and the department for
187 the implementation, and to meet the requirements, of this
188 subsection.

189 (b) A managing entity shall require providers specified in
190 paragraph (a) to submit data, in real time or at least daily, to
191 the managing entity for:

192 1. All admissions and discharges of clients receiving
193 public receiving facility services who qualify as indigent, as
194 defined in s. 394.4787.

195 2. All admissions and discharges of clients receiving
196 substance abuse services in an addictions receiving facility or
197 detoxification facility pursuant to parts IV and V of chapter
198 397 who qualify as indigent.

199 3. The current active census of total licensed beds, the
200 number of beds purchased by the department, the number of

201 clients qualifying as indigent occupying those beds, and the
202 total number of unoccupied licensed beds, regardless of funding.

203 (c) A managing entity shall require providers specified in
204 paragraph (a) to submit data, on a monthly basis, to the
205 managing entity which aggregates the daily data submitted under
206 paragraph (b). The managing entity shall reconcile the data in
207 the monthly submission to the data received by the managing
208 entity under paragraph (b) to check for consistency. If the
209 monthly aggregate data submitted by a provider under this
210 paragraph are inconsistent with the daily data submitted under
211 paragraph (b), the managing entity shall consult with the
212 provider to make corrections necessary to ensure accurate data.

213 (d) A managing entity shall require providers specified in
214 paragraph (a) within its provider network to submit data, on an
215 annual basis, to the managing entity which aggregates the data
216 submitted and reconciled under paragraph (c). The managing
217 entity shall reconcile the data in the annual submission to the
218 data received and reconciled by the managing entity under
219 paragraph (c) to check for consistency. If the annual aggregate
220 data submitted by a provider under this paragraph are
221 inconsistent with the data received and reconciled under
222 paragraph (c), the managing entity shall consult with the
223 provider to make corrections necessary to ensure accurate data.

224 (e) After ensuring the accuracy of data pursuant to
225 paragraphs (c) and (d), the managing entity shall submit the

226 data to the department on a monthly and an annual basis. The
 227 department shall create a statewide database for the data
 228 described under paragraph (b) and submitted under this paragraph
 229 for the purpose of analyzing the use of publicly funded crisis
 230 stabilization services and detoxification and addictions
 231 receiving services provided on a statewide and an individual
 232 provider basis.

233 (f) The department shall post on its website, by facility,
 234 the data collected pursuant to this subsection and update such
 235 posting monthly.

236 Section 7. Subsection (3) of section 394.4574, Florida
 237 Statutes, is amended to read:

238 394.4574 Responsibilities for coordination of services for
 239 a mental health resident who resides in an assisted living
 240 facility that holds a limited mental health license.—

241 (3) The Secretary of Children and Families, in
 242 consultation with the Agency for Health Care Administration,
 243 shall require each district administrator to develop, with
 244 community input, a detailed annual plan that demonstrates how
 245 the district will ensure the provision of state-funded mental
 246 health and substance abuse treatment services to residents of
 247 assisted living facilities that hold a limited mental health
 248 license. This plan ~~must be consistent with the substance abuse~~
 249 ~~and mental health district plan developed pursuant to s. 394.75~~
 250 ~~and~~ must address case management services; access to consumer-

251 operated drop-in centers; access to services during evenings,
 252 weekends, and holidays; supervision of the clinical needs of the
 253 residents; and access to emergency psychiatric care.

254 Section 8. Subsection (3) of section 394.493, Florida
 255 Statutes, is amended to read:

256 394.493 Target populations for child and adolescent mental
 257 health services funded through the department.—

258 (3) Each child or adolescent who meets the target
 259 population criteria of this section shall be served to the
 260 extent possible within available resources ~~and consistent with~~
 261 ~~the portion of the district substance abuse and mental health~~
 262 ~~plan specified in s. 394.75 which pertains to child and~~
 263 ~~adolescent mental health services.~~

264 Section 9. Subsection (5) of section 394.674, Florida
 265 Statutes, is amended to read:

266 394.674 Eligibility for publicly funded substance abuse
 267 and mental health services; fee collection requirements.—

268 (5) A person who meets the eligibility criteria in
 269 subsection (1) shall be served ~~in accordance with the~~
 270 ~~appropriate district substance abuse and mental health services~~
 271 ~~plan specified in s. 394.75 and~~ within available resources.

272 Section 10. For the purpose of incorporating the
 273 amendments made by this act to section 394.9082, Florida
 274 Statutes, in a reference thereto, paragraph (a) of subsection
 275 (3) of section 394.9086, Florida Statutes, is reenacted to read:

276 | 394.9086 Commission on Mental Health and Substance Abuse.—
 277 | (3) MEMBERSHIP; TERM LIMITS; MEETINGS.—
 278 | (a) The commission shall be composed of 19 members as
 279 | follows:
 280 | 1. A member of the Senate, appointed by the President of
 281 | the Senate.
 282 | 2. A member of the House of Representatives, appointed by
 283 | the Speaker of the House of Representatives.
 284 | 3. The Secretary of Children and Families or his or her
 285 | designee.
 286 | 4. The Secretary of the Agency for Health Care
 287 | Administration or his or her designee.
 288 | 5. A person living with a mental health disorder,
 289 | appointed by the President of the Senate.
 290 | 6. A family member of a consumer of publicly funded mental
 291 | health services, appointed by the President of the Senate.
 292 | 7. A representative of the Louis de la Parte Florida
 293 | Mental Health Institute within the University of South Florida,
 294 | appointed by the President of the Senate.
 295 | 8. A representative of a county school district, appointed
 296 | by the President of the Senate.
 297 | 9. A representative of mental health courts, appointed by
 298 | the Governor.
 299 | 10. A representative of a treatment facility, as defined
 300 | in s. 394.455, appointed by the Speaker of the House of

301 Representatives.

302 11. A representative of a managing entity, as defined in
 303 s. 394.9082(2), appointed by the Speaker of the House of
 304 Representatives.

305 12. A representative of a community substance abuse
 306 provider, appointed by the Speaker of the House of
 307 Representatives.

308 13. A psychiatrist licensed under chapter 458 or chapter
 309 459 practicing within the mental health delivery system,
 310 appointed by the Speaker of the House of Representatives.

311 14. A psychologist licensed under chapter 490 practicing
 312 within the mental health delivery system, appointed by the
 313 Governor.

314 15. A mental health professional licensed under chapter
 315 491, appointed by the Governor.

316 16. An emergency room physician, appointed by the
 317 Governor.

318 17. A representative from the field of law enforcement,
 319 appointed by the Governor.

320 18. A representative from the criminal justice system,
 321 appointed by the Governor.

322 19. A representative of a child welfare agency involved in
 323 the delivery of behavioral health services, appointed by the
 324 Governor.

325 Section 11. For the purpose of incorporating the

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326 amendments made by this act to section 394.9082, Florida
327 Statutes, in a reference thereto, subsection (6) of section
328 394.9087, Florida Statutes, is reenacted to read:

329 394.9087 Florida Veterans' Care Coordination Program.—

330 (6) Florida 211 Network participants in the Florida
331 Veterans' Care Coordination Program shall maintain a database of
332 veteran-specific services available in the communities served by
333 the programs. The Department of Veterans' Affairs and its
334 selected contractor shall work with managing entities as defined
335 in s. 394.9082(2) to educate service providers about the Florida
336 Veterans Support Line and the Florida Veterans' Care
337 Coordination Program.

338 Section 12. This act shall take effect July 1, 2023.