House Comprehensive Mental Health Bill Moves Forward

On Monday, February 8th, CS/HB 7097, by Rep. Harrell – Mental Health and Substance Abuse unanimously passed out of the House Healthcare Appropriations Subcommittee. The bill makes changes to the statewide system of safety-net prevention, treatment, and recovery behavioral health services administered by the Department of Children and Families (DCF). The bill updates statutes addressing DCF’s authority and guidance in transitioning to the managing entity system. The bill modifies service provisions and enhances operations by:

- Allowing managed behavioral health organizations (MBHO) to bid for managing entity contracts when fewer than two bids are received.
- Requiring managing entities to earn a coordinated behavioral health system of care designation by 2019, and requiring the annual submission of plans to DCF for phased enhancement of care subsystems based upon behavioral health needs and system gaps. If the plan recommends additional funding, then specific information in support of that recommendation must be provided including the needs to be met, services to be purchased, likely benefits of the services, projected costs, and number of individuals projected to benefit.
- Requiring managing entities to provide care coordination, specifying services that shall be provided within available resources, and prioritizing the populations served.
- Requiring DCF to develop performance standards that measure improvement in a community’s behavioral health and in specified individuals’ functioning or progress toward recovery.
- Specifying the membership of managing entity’s governing board that is not a MBHO; however, if the managing entity is an MBHO, then the MBHO must have an advisory board that meet the same membership requirements.
- Allowing managing entities flexibility in shaping their provider network while requiring a system for publicizing opportunities to join and evaluating providers for participation.
- Deleting obsolete statutes regarding the transition to the managing entity system.

CS/HB 7097 also revises the Criminal Justice, Mental Health, and Substance Abuse Grant Program. It expands the membership of the Statewide Grant Review Committee to include more non-state representatives and renames the committee the Statewide Grant Policy Committee. The bill creates a grant review and selection committee, streamlines the local process for applying for grants, and allows DCF to require chronological intercept mapping of systems to identify where interventions may be effective.

CS/HB 7097 amends the Baker Act to prohibit courts from ordering an individual with traumatic brain injury or dementia, who lacks a co-occurring mental illness, into involuntarily placement in a state treatment facility. In addition, the bill modifies present law regarding the exceptions to requirements for transporting individuals to receiving facilities.
Under the bill, a county may develop a transportation exception plan, or a group of counties may develop a shared transportation plan. The county’s governing board, the applicable managing entity, and DCF must approve the transportation exception plan before its implemented. While such transportation plans are optional, counties must evaluate whether use of a transportation exception plan would enhance the function of the coordinated receiving system during the managing entity’s process of developing a coordinated behavioral health system of care plan. CS/HB 7097 also clarifies that law enforcement may transport an individual to a receiving facility other than the nearest one pursuant to the county’s transportation exception plan.

Furthermore, CS/HB 7097 revises the Marchman Act, which governs the voluntary and involuntary treatment of substance abuse impairment, by:

- Requiring DCF to develop, adopt and publish standard forms for Marchman Act pleadings and reporting;
- Requiring DCF to create a statewide database for collecting utilization data for all Marchman Act initiated detoxification units and addictions receiving facility services funded by DCF;
- Requiring law enforcement to execute a DCF-created Marchman Act form when initiating protective custody, unless the individual is being taken to jail;
- Prohibiting courts from charging a filing fee for petitions;
- Allowing courts to grant a continuance of involuntary treatment petition hearings; and
- Allowing the Respondent, or an individual on the Respondent’s behalf, to pay for court ordered involuntary treatment.

Rep. Harrell introduced an amendment, which the committee adopted, to provide a $400,000 nonrecurring appropriation to DCF for system modifications to the CSU database. The modifications will enable the collection of Marchman Act service data required under the bill.

CS/HB 7097 next goes to its last committee, the House Health and Human Services Committee. The Senate’s bill, SB 12 by Sen. Garcia, is before the Senate Appropriations Committee. The bill is not likely to move until after allocations for funding behavioral health have been decided.

The bill (CS 1) and staff analysis (2/9/2016) can be found at:

**Problem-Solving Courts Bill Passes Fourth Committee**

On February 10th, the House Judiciary Committee unanimously approved CS/CS/CS/HB 439, by Rep. McBurney, as a committee substitute, after adopting two amendments. The bill has now cleared all four committees to which it was referred and is on the calendar awaiting consideration by the full House. The bill makes changes to Florida law designed to better address the needs of individuals within the criminal justice system who suffer from mental illness. In particular, the bill authorizes DCF to implement a Forensic Hospital Diversion Pilot Program in Broward, Duval, and Miami-Dade Counties modeled after the Miami-Dade Forensic Alternative Center.

The bill creates statutory authority for counties to establish and fund mental health court programs (MHCP) that provide pretrial intervention and post-adjudicatory programs for adult and juvenile offenders in need of mental health services. Courts are authorized to order adults with mental health illnesses into such programs, and similarly affected juveniles may be ordered into delinquency pretrial MHCPs. The bill authorizes county court judges to order placement of misdemeanants with severe mental illness and history of treatment and medication noncompliance into involuntary outpatient treatment, which can only be done now by a circuit court judge. Finally, the bill expands the authority of certain offenders to transfer to problem-
solving courts such drug courts, veterans courts, and mental health courts. The Senate companion bill, SB 604 by Sen. Diaz de la Portilla, is scheduled to be heard on February 17th in the Senate Health and Human Services Appropriations Subcommittee.

The bill (CS 3) and staff analysis (2/11/2016) can be found at: http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=55371

Prohibited Discrimination Bill Deadlocks in Judiciary Committee
On February 8th, the Senate Judiciary Committee deadlocked (5-5) on SB 120, by Sen. Abruzzo. The bill amends the Florida Civil Rights Act (FCRA) to expressly prohibit discrimination based on actual or perceived sexual orientation and gender identity or expression. The FCRA currently prohibits discrimination based on race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status in education, employment, housing, and public accommodations.

A strike-all amendment was filed to remove gender expression as a protected class and to ensure the FCRA could not be interpreted to limit the free exercise of religion or assembly as guaranteed by the U.S. Constitution. Although initially adopted, the tie vote essentially killed the bill and the strike-all. The Committee approved a motion to reconsider the failed vote and temporarily postponed the bill. An attempt to bring up the bill on February 9th failed on a tie vote, and the motion to reconsider was abandoned. It is unlikely the bill will be scheduled to be heard again. The House companion bill, HB 45 by Rep. Raschein, has not been heard in any committees.

The bill and staff analysis (2/11/2016 – post meeting) can be found at: http://www.flsenate.gov/Session/Bill/2016/0120

Medical Examiner Bill Passes but “No Fee” Amendment Fails
On Wednesday, February 9th, the Senate Community Affairs Committee unanimously passed SB 620, by Rep. Grimsley, relating to Medical Examiners, which would limit fees charged when a body is to be cremated, buried at sea, or dissected to $50. Currently, Broward County charges $55.75 for such approvals. An amendment to outright prohibit counties from charging a fee in such situations failed with a 4-3 vote. The bill is scheduled to be heard in the Senate Fiscal Policy Committee on Wednesday, 2/17/2016. Its House companion, which does prohibit charging a fee for such approvals, is on the House Calendar awaiting consideration by the full House.

The bill and staff analysis (2/9/2016 – post meeting) can be found at: http://flsenate.gov/Session/Bill/2016/0620

Local Referenda Amendment Lowers Threshold for General Elections
On February 9th, the House Local & Federal Affairs Committee considered HB 791, by Rep. Ingoglia, relating to local tax referenda. Rep. Ingoglia introduced a strike-all amendment which:

- Prohibited the holding of a special referendum election to levy a local option sales surtax.  
- Required at least 60% voter approval when a referendum to levy a local option sales surtax is held during a presidential preference primary or other a primary election.  
- Reduced the voter approval threshold to a simple majority if the referendum is held at a general election.

The strike-all amendment was adopted and unanimously passed the bill as a committee substitute. The Senate companion, SB 1100, will be heard in its first committee, the Senate Community Affairs Committee, on Tuesday, 2/16/2016.
The bill (CS 2) and staff analysis (2/10/2016) can be found at:

TNC Insurance Bill
On February 9th, the Senate Judiciary Committee passed CS/CS/SB 1118, by Sen. Simmons – Transportation Network Company Insurance. The bill requires drivers for Transportation Network Companies (TNC) to maintain certain levels of insurance similar to taxi-cabs. An amendment supported by UBER and Lyft, but viewed as lowering insurance coverage requirements for TNCs their drivers was defeated. Unlike, the House bill, CS/CS/HB 509, which preempts all licensing and regulation of TNCs, CS/CS/SB 1118 preempts only the insurance requirements in local ordinances as the bill seeks to establish a statewide uniform system of insurance coverages for TNCs and their drivers.

The bill (CS 2) and staff analysis (2/11/2016 post meeting) can be found at:
http://flsenate.gov/Session/Bill/2016/1118

Tax Exemption for Deployed Servicemembers Passes Legislature
HB 7023, by Rep. Trumbull, relating to Ad Valorem Tax Exemption for Deployed Servicemembers, expands the number of military operations that qualify a service member in the previous calendar year for an additional ad valorem tax exemption. The bill also provides for an extended deadline and specifies procedures for filing an application for the tax exemption for a qualifying deployment during the 2014 and 2015 calendar years. In addition, the bill provides procedures for refunding service members who were on qualifying deployments for more than 365 days during those calendar years. The bill unanimously passed the full House on February 10th, and on the next day was substituted for its Senate companion, CS/CS/SB 160, and passed unanimously by the full Senate. The bill now awaits presentment to the Governor for action.

The bill and its staff analysis can be found at:

Gaming Bills Move in House, Stall in Senate
On February 9th, three gaming measures were scheduled for votes in the House and two in the Senate regulatory committees. The House Regulatory Affairs Committee approved three proposed committee bills – RAC 16-01, RAC 16-02, and RAC 16-03 – which respectively ratify the tribal gaming compact entered into between the Governor and the Seminole Tribe on December 7, 2015; decouple greyhound, harness, quarterhorse, and thoroughbred live racing requirements thus allowing permit holders to conduct pari-mutuel wagering, cardrooms, and slots without live racing, and modifies other legislative policies and requirements to implement the new compact; and propose a constitutional amendment requiring further expansion of gaming in Florida to be proposed by initiative petition and approved by the state’s electors.

The new Compact, like to 2010 Compact, designates three percent of the amounts paid to the state to be distributed to those local governments impacted by the Seminole Tribe’s operations. The distribution percentages established in Section 285.710(10), F.S., for the 2010 Compact are retained without change.

In the Senate, the Senate Regulated Industries Committee was also scheduled to consider a greyhound decoupling bill (SPB 7072) and a bill (SPB 7074) to ratify the new Gaming Compact, but the bills were temporarily postponed. The Committee Chair, Sen. Bradley, stated the bills weren’t heard because members of the panel wanted to study the amendments filed by incoming Senate...
President Joe Negron, which permit Daily Fantasy Sports sites, such as Draft Kings and FanDuel, to operate in the state, adds money to purchase dormant pari-mutuel permits, and allow the expansion of slot machines in Palm Beach County. The bills are expected to be heard next week.

The bill and staff analysis for SB 7072 can be found at: http://flsenate.gov/Session/Bill/2016/7072
The bill and staff analysis for SB 7074 can be found at: http://flsenate.gov/Session/Bill/2016/7074

**Mandatory Civil Citation Not Considered in Senate Committee**

Although scheduled for a hearing, the Senate Criminal Justice Committee did not consider SB 408, by Sen. Altman, relating to juvenile civil citations. The bill mandates the use of civil citations for a host of petty offenses committed by juveniles if the juvenile admits to the crime and takes a remedial education class. There is no House companion bill; however, a similar Senate bill, SB 506, by Sen. Bullard, has not been heard in the Senate criminal Justice Committee, its first committee of reference.

The bill and staff analysis can be found at: http://flsenate.gov/Session/Bill/2016/0408

**Proposal to Limit Property Tax Growth and Recapture**

The House voted 88-25 to pass House Joint Resolution 7015, which proposes a constitutional amendment to allow the Legislature by general law to prohibit increases in the assessed value of homestead property and non-homestead property in any year where the market value of the property decreases. If the constitutional amendment is approved by the necessary 60% of the voting electorate, and a general law passed by the Legislature, this provision would prevent “recapture” in any year where the market value of a property decreases.

The constitutional proposal also allows the Legislature to add an additional limit to the growth rate for assessed value. If the proposal becomes law and is implemented by the Legislature, the growth rate of homestead property would be limited to the lesser of three percent, the inflation rate, or the percent change in the homestead property’s just value, if the change is greater than or equal to zero. The growth rate of non-homestead property would be limited to the lesser of 10 percent or the percent change in the non-homestead property’s just value if the change is greater than or equal to zero.

The companion joint resolution, SJR 1074 by Sen. Gaetz, is in the Senate Appropriations Committee awaiting a hearing. The bill and staff analysis can be found at: http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=55647

**FRS Changes Receive Approval**

The State Affairs Committee, on February 10th, narrowly passed (10-8) a proposed committee bill (SAC-03 – now designated as HB 7107), which makes limited reforms to the FRS. The bill authorizes renewed membership in the investment plan for certain retirees of the investment plan and optional retirement programs who are reemployed into a regularly established position of an FRS employer on or after July 1, 2016, unless the employee is in a position eligible to participate as member of an applicable optional retirement program.

The bill also creates new survivor benefits for members of the investment plan that are killed in the line of duty. The survivor benefits are provided to the spouse and children of the member as presently provided for pension plan members killed in the line of duty, which is equal to one-half the member’s salary at the time of death. Moreover, the bill provides survivor benefits for any investment plan member who has been killed in the line of duty since 2002, when participation in
the investment plan became effective. The bill provides a process for calculating the retroactive survivor benefit.

Effective July 1, 2017, HB 7107 changes the default FRS plan election from the pension plan to the investment plan for FRS members who fail to affirmatively choose a plan. Additionally, HB 7107 extends the plan election period to the last business day of the eighth month after the month of hire. For FY 2016-17, HB 7107 will a $3.7 million fiscal impact on counties and FRS participating municipalities.

The bill and staff analysis can be found at: 
http://flsenate.gov/Session/Bill/2016/7107/BillText Filed/PDF

In addition to the House bill, the full Senate also considered and unanimously passed (40-0) SB 7012, by Sen. Ring, increasing survivor benefits to family members of eligible FRS pension plan members killed in the line of duty, on or after July 1, 2013, to 100% of the member’s salary at the time of death. Additionally, the bill extends the same survivor benefit to the family of an eligible FRS investment plan member killed in the line of duty on or after July 1, 2013. The bill also modifies existing laws to provide the necessary employer contribution rates and allocation to the FRS Trust Fund to ensure timely payment of survivor benefits to impacted families.

The bill and staff analysis (2/4/2016 – post meeting) can be found at: 
http://www.flsenate.gov/Session/Bill/2016/7012

**Everglades Restoration Funding Bills Gain Unanimous Support**

A plan to set aside $200 million for Everglades Restoration projects moved forward in both the House and Senate. HB 989, by Rep. Harrell – Implementation of Water and Land Conservation passed the House Appropriations Committee, while SB 1168, by Sen. Negron passed the Senate Environmental Preservation and Conservation Committee. The funds will pay for projects such as the Comprehensive Everglades Restoration Plan, the Central Everglades Planning Project, the Long-Term Plan, and the Northern Everglades and Estuaries Program. The Senate bill still has two more committees, while HB 989 has been placed on 2nd Reading on the Calendar awaiting consideration by the full House.

The bill and staff analysis for HB 989 can be found at:
The bill and staff analysis for SB 1168 can be found at: http://flsenate.gov/Session/Bill/2016/1168

**Economic Development Package Moves to Last Committee**

On Thursday, February 11th, CS/SB 1646, by Sen. Latvala, unanimously passed the Appropriations Subcommittee on Transportation, Tourism, and Economic Development. Sen. Latvala introduced a strike-all amendment, which was adopted by the committee. The strike-all amendment made several changes to the bill, including:

- Reducing the return on investment ratio for projects under the Florida Enterprise Program to 2.5 to 1 from 3 to 1;
- Creating an escrow account and contract fund under the new Florida Enterprise Program for interest bearing purposes; and
- Providing a process for reducing or eliminating a local government’s required financial support for a local project under Qualified Target Industry program if certain criteria are met.
The bill modernizes the Entertainment Industry Financial Incentive Program, but it does not provide any funding for the program, as discussions continue with the House. Sen. Detert also offered an amendment, which was adopted, that required DEO to provide the Legislature with a list of potential and actual claims filed under each of the state’s incentive programs.

The amended bill and updated staff analysis is not yet available for review online.

**Juvenile Detention Cost-Share Bill Passes 1st Hurdle**

On Thursday, February 11th, SB 1322, by Sen Latvala passed unanimously in the Senate Appropriations Subcommittee on Criminal and Civil Justice as a committee substitute. Specifically, SB 1322 revises the annual contributions by participating non-fiscally constrained counties for the costs of detention care for juveniles. The bill also requires the state to pay all costs of detention care for fiscally-constrained counties and juveniles residing out of state, and for certain post-disposition detention care costs associated with counties that provide pre-disposition secure detention.

For FY 2016-2017, the bill requires non-fiscally constrained counties to pay a total of $42.5 million for detention care costs with the state paying the remaining costs. Beginning in FY 2017-2018, the bill requires each non-fiscally constrained county and the state to pay 50 percent of the total costs of secure detention care to juveniles residing in each respective county.

During consideration of the bill, Committee Chair Sen. Joe Negron and Sen. Rob Bradley conveyed their expectation that counties would voluntarily dismiss all pending lawsuits against the state relating to DJJ billing issues should the bill become law. In addition, both Senators also conveyed their position that counties abandon all claims to past unpaid billing credits (approximately $11 to $15 million for Broward County) and that counties pay the state for any partial payments still owed for FY 2014-2015 (about $1.4 for Broward County). Sen. Negron warned that if the counties did not acquiesce in these demands, the bill would not move further.

The House companion, HB 1279 by Rep. Latvala, has not been heard in the House Justice Appropriation Subcommittee, and is likely dead for the session. Consequently, it is unlikely the House would entertain SB 1322, even if it passes the Senate.

The amended bill and updated staff analysis is not yet available for review online.

**House Budget Rejected by Senate – Conference Awaits!**

On Thursday, February 11th, the House, after hours of debate, passed its proposed FY 2016-2017 General Appropriations Act (HB 5001), Implementing Bill (HB 5003), and several conforming bills relating to budget policy issues. The Senate took up the House budget bills, amended each with its own version and then approved the bills sending them back to the House. In passing HB 5001, as amended, both Senate and House now can begin the budget conference process in order to finalize the 2016-17 General Appropriations Act. Conference committees and allocations are expected to be announced next week.

Senate Budget Summary is available at: [http://www.flstate.gov/Media/PressReleases/Show/2395](http://www.flstate.gov/Media/PressReleases/Show/2395)