

**LEGISLATIVE
BUDGET
COMMISSION**

Ray Sansom, Chair

Rudy Garcia, Vice-Chair

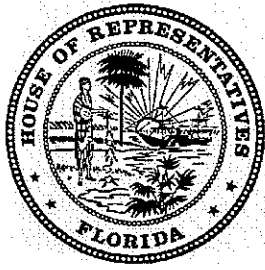
MEETING PACKET

Wednesday, January 10, 2007

12:15 P.M.

212 Knott Building

**(Please bring this packet to the committee meeting.
Duplicate materials will not be available.)**



LEGISLATIVE BUDGET COMMISSION AGENDA

Wednesday, January 10, 2007
12:15 P.M.
212 Knott Building



Members

Senator Rudy Garcia
Senator JD Alexander
Senator Lisa Carlton
Senator Mike Fasano
Senator Gwen Margolis
Senator Nan Rich
Senator Stephen Wise

Representative Ray Sansom
Representative Aaron Bean
Representative Dean Cannon
Representative Stan Mayfield
Representative Frank Peterman, Jr.
Representative Joe Pickens
Representative Ron Saunders

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- I. Consideration of the following budget amendments:
 - A. Department of Children and Family Services
 - EOG #B2007-0512
 - EOG #B2007-0516

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Department of Children and Family Services

EOG Number: B2007-0512

Problem Statement: In Fiscal Year 2005-2006, the number of forensic clients who have either been determined incompetent to proceed because of mental illness or been acquitted of a felony by reason of insanity and who have, therefore, been committed to the Department of Children and Family Services for treatment under chapter 916, Florida Statutes, increased by an unprecedented 16 percent over the previous fiscal year. The department currently has 952 secure forensic facility beds and 497 forensic step-down beds that are filled to capacity. As of December 31, 2006, there were more than 300 individuals waiting for treatment.

The Fiscal Year 2006-2007 General Appropriations Act appropriated funds to the Department of Children and Family Services for transfer to the Agency for Health Care Administration for the agency to make payments for the Statewide Inpatient Psychiatric Program (SIPP). Proviso language directed the department to transfer \$4 million from the Residential Group Care category and \$21.3 million from the Purchased Residential Treatment Services for Emotionally Disturbed Children and Youth category to the SIPP within the Hospital Inpatient Services category in the Agency for Health Care Administration. To date, the agency has billed the department for \$8.1 million of the \$25.3 million aggregate appropriation, leaving a balance of \$17.2 million. The Social Services Estimating Conference in October 2006 estimated a current-year surplus of \$108.5 million in the Hospital Inpatient Services category because of lower than expected caseloads and price-level increases. This surplus could be used to fund the SIPP in lieu of transfers from the department.

Agency Request: The department requests the transfer of \$16,607,711 in General Revenue Fund appropriations from the Purchased Residential Treatment Services for Emotionally Disturbed Children and Youth category in the Children's Mental Health Services budget entity to various categories in the Adult Mental Health Treatment Facilities budget entity (\$9,865,241) and the Community Mental Health Services category in the Adult Community Mental Health Services budget entity (\$6,742,470) to provide an additional 220 secure forensic treatment beds and 140 community residential treatment beds, in addition to the 13 secure forensic treatment beds provided in a previous amendment for a total of 373 beds, to treat criminal defendants who have been declared incompetent for trial or not guilty by reason of insanity.

This amendment has an annualization cost of \$48.5 million in Fiscal Year 2007-2008 if a similar level of services contemplated by this budget amendment is continued. This annualization includes \$1,594,225 for 13 secure beds at South Florida Evaluation Treatment Center approved November 27, 2006 in agency transfer amendment number B2006-7218. The Legislature must address the "recurring" cost of this proposed transfer during the 2007 Session.

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A detailed breakout of this proposal is as follows:

	Number of Beds	Planned Start Date	Fiscal Year 2006-2007	Fiscal Year 2007-2008
ADULT MH TREATMENT FACILITIES				
South Fla. Eval. & Treatment Ctr.	8 Secure	Dec 2006		\$1,594,225
	5 Secure	Feb 2007		
Krome Facility	42 Secure	Mar 2007	\$2,162,535	\$13,293,665
	18 Secure	Apr 2007		
	40 Secure	May 2007		
NE Fla. State Hospital	20 Secure	Mar 2007	\$1,744,349	\$3,796,000
Florida City	90 Secure	Feb 2007	\$5,400,000	\$13,140,000
South Fla. State Hospital	10 Step-Down	Dec 2006	\$558,357	\$1,034,620
SUBTOTAL	233		\$9,865,241	\$32,858,410
ADULT COMMUNITY MH SVCS				
Residential Treatment Beds	70 Community	Jan 2007	\$6,742,470	\$14,870,100
	70 Community	Feb 2007		
Medication 30-Day Supply				\$754,914
SUBTOTAL	140		\$6,742,470	\$15,625,014
TOTAL	373		\$16,607,711	\$48,483,424

The Agency for Health Care Administration proposes to use the "surplus" General Revenue Fund appropriations in the Hospital

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<p>Inpatient Services category in lieu of transfers from the department to pay for services provided in the Statewide Inpatient Psychiatric Program. This proposal will allow the department to defer transfers to the agency (without reduction in the anticipated services) until the 2007 Legislature has an opportunity to consider whether to amend the proviso requirement or to appropriate additional funds necessary to meet the proviso requirement.</p>	
<p>The department also requests 100 percent release to secure the services in the most timely manner possible.</p>	
<p>Governor's Recommendation: Recommend approval to transfer budget authority in the amount of \$16,607,711 in General Revenue Funds from the Purchased Residential Treatment Services for Emotionally Disturbed Children and Youth category in the Children's Mental Health Services budget entity to the Community Mental Health Services category in the Adult Community Mental Health budget entity in the amount of \$6,742,470, to the Contracted Professional Services category in the Adult Mental Health Treatment Facilities budget entity in the amount of \$8,913,686, and to various other categories in the Adult Mental Health Treatment Facilities budget entity in the amount of \$951,555 to provide an additional 220 secure forensic treatment beds and 140 community residential treatment beds.</p>	
<p>Commission Staff Comments: Recommend approval as recommended by the Governor's Office.</p>	
<p>Senate Committee: Health and Human Services Appropriations Senate Analyst: Elaine Peters</p>	<p>House Committee: Health Care House Analyst: Stephanie Massengale</p>

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Line Item No.	Budget Entity / Fund / Appropriation Category Title	CF	REQUESTED BY AGENCY	RECOMMENDED BY GOVERNOR	APPROVED BY THE LEGISLATIVE BUDGET COMMISSION
			Appropriation	Appropriation	Appropriation
	LASPBS Account Number				
	CHILDREN AND FAMILY SERVICES				
	Program: Mental Health Program <u>Adult Community Mental Health Services</u>				
383	Special Categories Grants And Aids - Community Mental Health Services From General Revenue Fund		6,742,470	6,742,470	
	<u>Children's Mental Health Services</u>				
392	Special Categories Grants And Aids - Purchased Residential Treatment Services For Emotionally Disturbed Children And Youth From General Revenue Fund		(16,607,711)	(16,607,711)	
	Program: Institutional Facilities <u>Adult Mental Health Treatment Facilities</u>				
450	Expenses From General Revenue Fund		696,743	696,743	
451	Operating Capital Outlay From General Revenue Fund		169,855	169,855	

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			Appropriation	Appropriation	Appropriation
452	Food Products From General Revenue Fund		12,392	12,392	
454	Special Categories Grants And Aids - Contracted Professional Services From General Revenue Fund		8,913,686	8,913,686	
455	Special Categories Grants And Aids - Indigent Psychiatric Medication Program From General Revenue Fund		8,276	8,276	
456	Special Categories Prescribed Medicine/drugs From General Revenue Fund		64,289	64,289	

Department of Children and Family Services

EOG Number: B2007-0516

Problem Statement: In Fiscal Year 2005-2006, the number of forensic clients who have either been determined incompetent to proceed because of mental illness or been acquitted of a felony by reason of insanity and who have, therefore, been committed to the Department of Children and Family Services for treatment under chapter 916, Florida Statutes, increased by an unprecedented 16 percent over the previous fiscal year. The department currently has 952 secure forensic facility beds and 497 forensic step-down beds that are filled to capacity. As of December 31, 2006, there were over 300 individuals waiting for treatment

The department has addressed the need for additional bed capacity in two previous amendments: Agency 5 percent transfer B2006-7218 (\$2 million) and B2007-0512 (\$16.6 million) on this same Legislative Budget Commission agenda. The department also must reduce the number of individuals who are committed to the department as incompetent to proceed who would need a forensic bed by reducing the length of stay for persons admitted to forensic facilities and preventing re-admissions to forensic facilities. In December 2006, the department deployed a team of experts to Miami-Dade, Broward, Hillsborough, and Pinellas counties to assess the service needs of individuals in need of services. Of the 144 individuals reviewed, 26 of them (18 percent) were appropriate for diversion to a community placement and two of them (1.4 percent) were appropriate for in-jail competency restoration.

The department has identified \$3.1 million in available funds that can be used to reduce the number of persons requiring competency restoration who are committed to the department. Of this total, there is \$1,039,807 in unused Grants and Donations Trust Fund budget authority in the Adult Baker Act Services category and a corresponding amount of one-time, residual third party recoveries on Medicaid expenditures in the Adult Community Mental Health Services budget entity. In addition, there is \$1,339,465 in unused Alcohol, Drug Abuse and Mental Trust Fund budget authority in the Grants and Aids-Community Mental Health Services category and a corresponding amount of excess cash earned on the block grant. Finally, there is \$772,901 in General Revenue Fund appropriation available for this purpose.

Agency Request: The department requests the transfer of \$1,039,807 in General Revenue Fund appropriation from Adult Baker Act Services category to Community Mental Health Services category. The department will use the excess cash and trust fund budget authority to replace the General Revenue transfer from the Adult Baker Act Services category so there will be no reduction in services. The total \$3.1 million will be used to provide housing, residential treatment services, in-jail competency restoration services for persons found incompetent to proceed or who are at risk for such determination, competency maintenance services for persons

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<p>returned to county jail (from mental health treatment facilities) as competent to proceed with trial and avoid readmission to a secure forensic bed, and intensive outpatient mental health services for persons residing in the community with mental illnesses who are at risk for incarceration or forensic commitment.</p> <p>This amendment has an annualization cost of \$6 million in Fiscal Year 2007-2008 if a similar level of services contemplated by this budget amendment are continued. The Legislature must address the "recurring" cost of this proposed transfer during the 2007 Session.</p> <p>The department also requests 100 percent release to secure the services in the most timely manner possible.</p>	<p>Governor's Recommendation: Recommend the transfer of budget authority in the amount of \$1,039,807 in General Revenue Funds from Adult Baker Act Services category to Community Mental Health Services category to provide in-jail competency restoration services for persons found incompetent to proceed or who are at risk for such determination; competency maintenance services for persons returned to county jail (from mental health treatment facilities) as competent to proceed with trial to avoid readmission to a secure forensic bed; intensive outpatient mental health services for persons residing in the community with mental illnesses who are at risk for incarceration or forensic commitment; and enhancement services and supports (e.g., housing and medication stipends) to promote successful community placement of individuals being diverted or discharged from forensic facilities.</p> <p>Commission Staff Comments: Recommend approval as recommended by the Governor's Office.</p>
<p>Senate Committee: Health and Human Services Appropriations Senate Analyst: Elaine Peters</p>	<p>House Committee: Health Care House Analyst: Stephanie Massengale</p>

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			Appropriation	Appropriation	Appropriation
CHILDREN AND FAMILY SERVICES					
383	Program: Mental Health Program <u>Adult Community Mental Health Services</u> Special Categories Grants And Aids - Community Mental Health Services From General Revenue Fund		1,039,807	1,039,807	
384	Special Categories Grants And Aids - Baker Act Services From General Revenue Fund		(1,039,807)	(1,039,807)	