

MEMORANDUM

Agenda Item No. 11(A)(27)

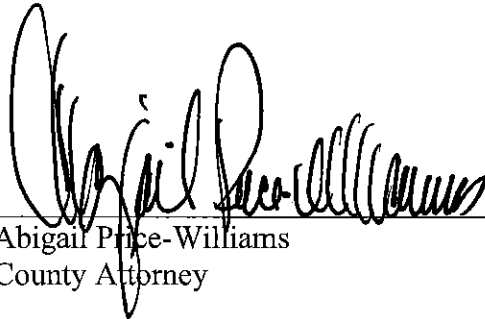
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: January 20, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to enact SB 604, HB
439, or similar legislation that
would expand jail diversion
programs and other treatment
options for inmates with mental
illness

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



Abigail Price-Williams
County Attorney

APW/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: January 20, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(27)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's _____, 3/5's _____, unanimous _____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(27)
1-20-16

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT SB 604, HB 439, OR SIMILAR LEGISLATION THAT WOULD EXPAND JAIL DIVERSION PROGRAMS AND OTHER TREATMENT OPTIONS FOR INMATES WITH MENTAL ILLNESS

WHEREAS, mental illnesses are biological conditions that impact a person's brain and body and include, but are not limited to, anxiety, autism spectrum disorder, bipolar disorder, schizophrenia, depression, posttraumatic stress disorder, eating disorders and borderline personality disorder; they are identifiable by signs, symptoms and functional impairments; and

WHEREAS, mental illness can affect anyone, regardless of age, religion, or social, economic, ethnic or educational background; mental illness diagnoses are made to men, women, elderly and children; and

WHEREAS, people with mental illness may be more visible to law enforcement and vulnerable to arrest due to delusional, psychotic or nuisance behaviors, homelessness or substance abuse; and

WHEREAS, people with mental illness are often jailed for minor offenses, such as trespassing, disorderly conduct or disturbing the peace, which contributes to the criminalization of such individuals rather than long term treatment; and

WHEREAS, individuals with mental illness who are jailed tend to stay in jail longer than those without mental illness, return to jail more often and require more medical services and monitoring than other inmates; and

WHEREAS, Florida prisons and jails are the state's largest mental health treatment facilities; individuals with mental illness in Florida jails and prisons outnumber those in state mental hospitals; and

WHEREAS, according to *Florida TaxWatch*, the number of prisoners with mental illness increased by 112 percent between 1996 and 2014; and

WHEREAS, in December 2014, the Florida Council for Community Mental Health reported that, on any given day in Florida, there are approximately 16,000 prison inmates and 15,000 local jail detainees with a serious mental illness, and that annually as many as 125,000 people with a mental illness requiring treatment are arrested and booked into Florida jails; and

WHEREAS, according to a recent series in the *Tampa Bay Times* and *Sarasota Herald-Tribune*, Florida spends at least \$50 million annually on mental health treatment to attain competency of individuals charged with nonviolent crimes which will not result in prison time; and

WHEREAS, although the state expends a significant amount of funding to ensure criminal defendants are competent to face charges, it does not offer programs or services to support continued competency after treatment; and

WHEREAS, companion House and Senate bills have been filed for consideration during the 2016 session of the Florida Legislature, Senate Bill (SB) 604 by Senator Miguel Diaz de la Portilla (R – Miami) and House Bill (HB) 439 by Representative Charles McBurney (R – Jacksonville); and

WHEREAS, SB 604 and HB 439 would, among other things, allow counties to create forensic hospital diversion pilot programs, create and fund treatment-based mental health courts and programs, direct individuals charged with crimes and diagnosed with mental illness to

medical treatment facilities instead of correctional facilities, expand the definition of veteran for participation in veterans' court, permit a defendant with a mental illness to participate in pretrial mental health court programs, and allow judges to require offenders to participate in post-adjudicatory treatment-based mental health programs, subject to eligibility criteria; and

WHEREAS, SB 604 and HB 439 could help individuals with mental illness receive proper treatment, reduce the number of individuals with mental illness detained in jails, contribute to decreased recidivism rates, reduce costs associated with imprisoning individuals with mental illness and increase the availability of preventative outpatient mental health services and treatment centers in the community; and

WHEREAS, the measures proposed in SB 604 and HB 439 would create a statewide framework for counties to provide alternatives to incarceration of individuals being prosecuted who have mental illness, offer support for community reintegration, provide access to and improve the quality of life of those receiving treatment, improve public safety by reducing criminal recidivism, reduce costs of treatment and incarceration and help reverse the trend of jails and prisons functioning as mental health facilities; and

WHEREAS, this Board wishes to express its support for passage of SB 604, HB 439, or similar legislation,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to enact SB 604, HB 439, or similar legislation that would expand jail diversion programs and other treatment options for inmates with mental illness.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Senator Miguel Diaz de la Portilla, Representative Charles McBurney, and the Chair and remaining Members of the Miami-Dade County State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the legislative action set forth in Section 1, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2016 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Shanika A. Graves