

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**  
**APPROPRIATIONS SUBCOMMITTEE ON CRIMINAL AND**  
**CIVIL JUSTICE**  
**Senator Bradley, Chair**  
**Senator Joyner, Vice Chair**

**MEETING DATE:** Wednesday, January 15, 2014  
**TIME:** 10:00 a.m.—12:00 noon  
**PLACE:** *Mallory Horne Committee Room, 37 Senate Office Building*

**MEMBERS:** Senator Bradley, Chair; Senator Joyner, Vice Chair; Senators Altman, Braynon, Clemens, Dean, Diaz de la Portilla, Flores, Garcia, Grimsley, Hays, Smith, and Soto

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Update from the Department of Juvenile Justice on Juvenile Shared Detention Cost		Discussed
2	Operational update on the Department of Juvenile Justice's Residential Programs		Discussed
Other Related Meeting Documents			

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Rick Scott,  
Governor

Wansley Walters,  
Secretary



# DEPARTMENT OF JUVENILE JUSTICE

## UPDATE on DETENTION COST SHARE



**SENATE APPROPRIATIONS SUBCOMMITTEE  
ON CRIMINAL AND CIVIL JUSTICE**

**January 15, 2014**

# Detention Cost Share-Litigation



- **Concept of sharing detention costs began in 2004 (SB2564). Basis was similar to the adult jail system. Counties challenged the law as an unfunded mandate; corrected by the legislature and implemented in 2005-06.**
- **Chapter 985.686 requires counties to pay costs prior to final court disposition. Funding was based on pre-disposition (county responsibility) being youth prior to commitment to a residential facility.**

# Detention Cost Share-Litigation



- **Counties have filed numerous legal challenges to the department's rule, billing process, and reconciliation process.**
- **In 2010, Counties filed rule challenge arguing "final court disposition" did not mean just youth awaiting commitment.**
- **In June 2013, the 1<sup>st</sup> DCA ruled in favor of the counties, thus revising the detention cost share split.**

# Detention Cost Share-Litigation



- **Three reconciliation cases for 2009-10, 2010-11 and 2011-12 pertaining to applying the 1<sup>st</sup> DCA ruling to past billings are in abeyance until after the 2014 Legislative session. Challenges to the 2012-13 reconciliation are also in abeyance.**
- **An appeal of the 2008-09 reconciliation is still pending with the 1<sup>st</sup> DCA. Oral arguments are scheduled for January 14, 2014.**
- **The impact of the 1<sup>st</sup> DCA ruling was to revise the amounts DJJ bills the counties causing a \$35.5 million 2013-14 deficit. DJJ's plan is to cover \$17.1 million and request the \$18.4 million balance be addressed in the GAA.**

# Detention Cost Share-Financial Status



- **Plan was dependent on counties continuing to pay into the Shared County/State Juvenile Detention Trust Fund. Through December 2013, collections are 95% of projected receipts with all counties paying.**
- **LBC approved trust fund increases of \$8.8 Million on September 12, 2013 to utilize trust fund balances.**
- **A second LBC amendment is in process to transfer \$5.9 Million from Probation and Community Services and Residential Services to the Detention Centers budget entity.**
- **Detention actual expenditures through December 2013 are at 99% of the August 2013 projected expenditures.**



# FLORIDA DEPARTMENT OF JUVENILE JUSTICE

PART OF THE COMMUNITY, PART OF THE SOLUTION

## Residential Overview

Senate  
Appropriations  
Sub-Committee on Criminal and Civil  
Justice

Chairman Rob Bradley

January 15, 2014



**Governor Rick Scott**

**Secretary Wansley Walters**



# Overview



As of January 15, 2014

- 51 Contracts consisting of 87 Programs
- 2013-14 Residential Services Budget - \$180.5 million

# Program Services

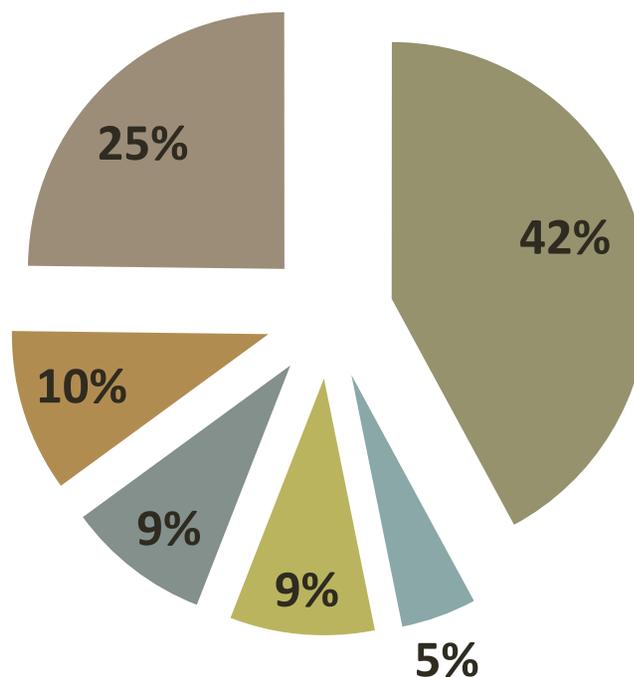
All programs include:

- Health/Health Education
- Mental health/Substance abuse treatment
- Suicide prevention
- Delinquency interventions
- Restorative Justice
- Case Management
- Education
- Vocational/Job Training placement
- Gender responsive services
- Religious/Spiritual
- Recreational/Leisure time
- Self-Sufficiency planning
- Religious/Spiritual opportunities
- Community involvement
- Transitional services

Programs are designed for youth with specific needs:

- Mental Health Overlay
- Developmental disability/Borderline developmental disability
- Comprehensive mental health/Dual diagnosis
- Intensive mental health
- Sex offender treatment
- Integrated substance abuse treatment

## SPECIALIZED TREATMENT



■ MENTAL HEALTH OVERLAY

■ DEVELOPMENTAL DISABLED AND BORDERLINE DEVELOPMENTALLY DELAYED

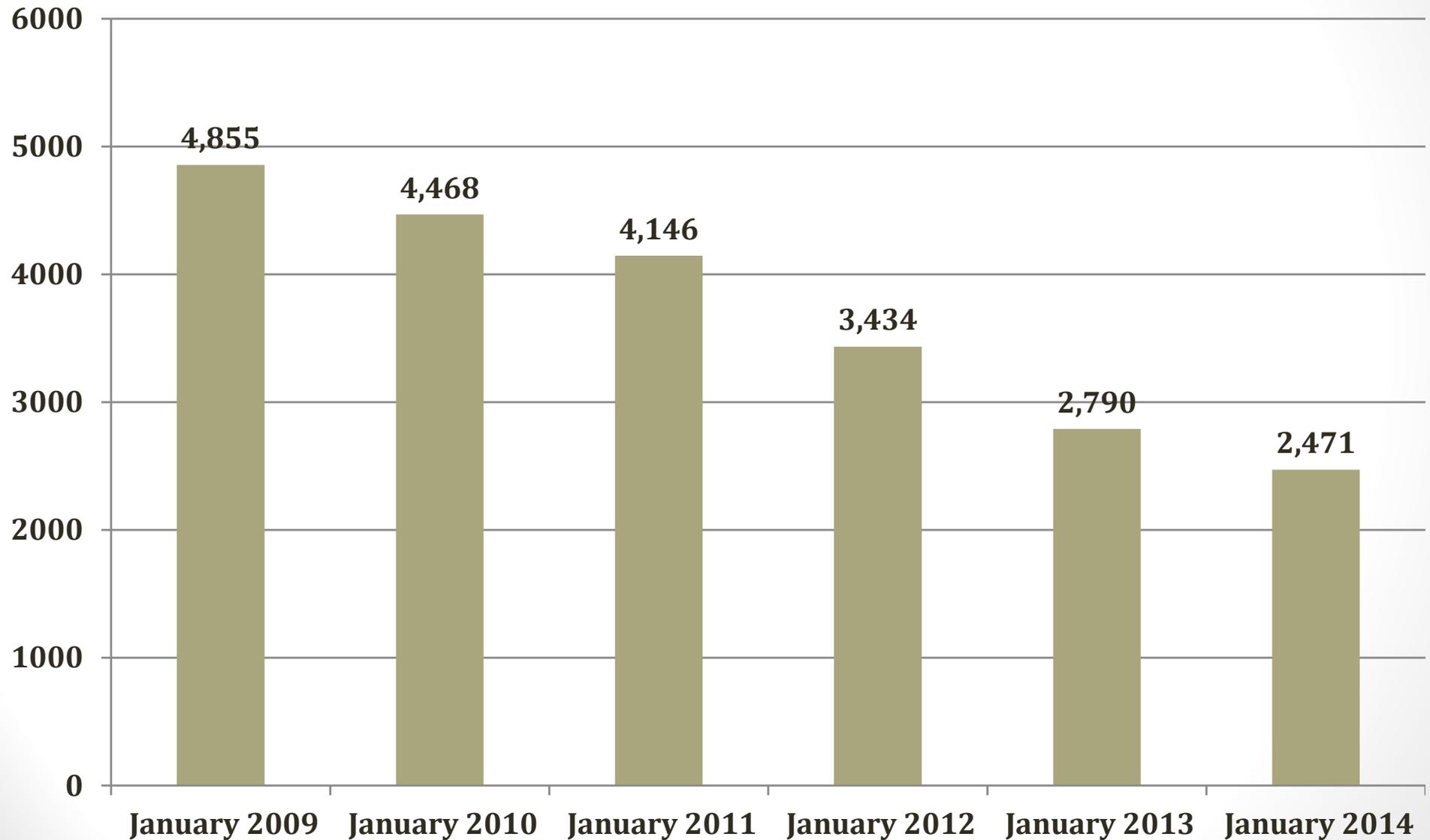
■ COMPREHENSIVE MENTAL HEALTH AND DUAL DIAGNOSIS

■ INTENSIVE MENTAL HEALTH TREATMENT

■ SEX OFFENDER TREATMENT

■ SUBSTANCE ABUSE TREATMENT

# 5-Year Trend: Bed Reductions



# Procurement and Contract Oversight Reforms

- Implemented the Invitation to Negotiate (ITN) process allowing the Department to identify providers with the most innovative and effective services including contract-specific performance measures.
- Strengthened past performance reviews.
- Implemented evaluator/negotiator training to support the ITN process. Utilized a national procurement expert from the National Institute of Governmental Purchasing (NIGP).
- Created a fiscal monitoring unit to review contract expenditures.
- Expanded the agency-wide automated data system (previously RSMS) to assist staff in the management and monitoring of contracted services, while enhancing the tracking of provider performance (known as Program Management and Monitoring (PMMM)).
- Enhanced program oversight process.



# ITN Overview

- **Invitation to Negotiate (ITN)** - Florida Statute 287.012(17) states: “Invitation to negotiate” means a written or electronically posted solicitation for competitive sealed replies to select one or more vendors with which to commence negotiations for the procurement of commodities or contractual services.

- **ITN Process:**

- ITN posted to the Vendor Bid System (VBS)

- Proposals submitted

## **PHASE I**

- Evaluation of written proposals
  - Technical proposal
  - Past performance

## **PHASE II**

- Evaluation of oral presentations

## **PHASE III**

- Conduct negotiations
- Conduct comparative analysis between highest ranked respondents

## **PHASE IV**

- Submit team recommendation for Secretary approval
- Contract execution



# ITN Evaluation Process

## Overview

- Development of Evaluation Team

- 3 Residential staff
- 2 Office of Health Services staff
  - 1 staff for Medical services
  - 1 staff for Mental Health and Substance Abuse Treatment services

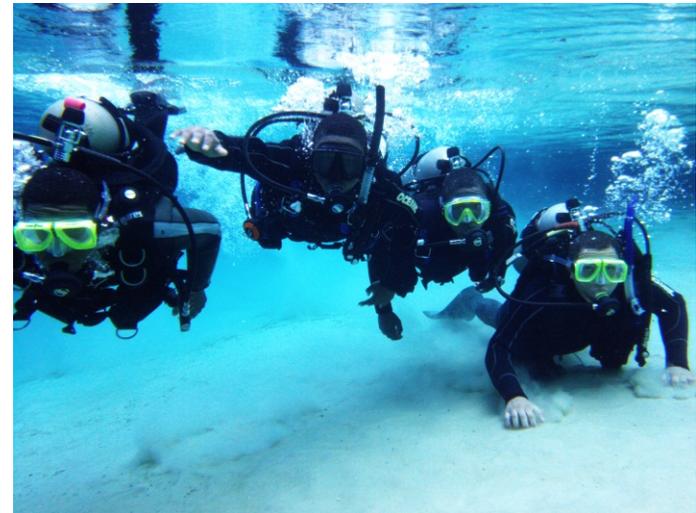
All evaluations are scored with set criteria:

- Evaluation of the written proposal

- Technical proposal
- Past performance

- Evaluation of oral presentations

- Residential staff
- Technical experts in budget
- Technical experts in evidence based programming



# PHASE I- Written (Technical) Evaluation Criteria

Proposals are evaluated and ranked based on the following criteria:

- Management competencies and capabilities
- Performance outcome measures
- Staffing
- Program components: restorative justice and evidence-based/promising delinquency interventions programming
- Gender responsive programming
- Behavior management system, living environment and approach to align with the department's vision
- Health, mental health and substance abuse services
- Education and vocational services
- Transition services/community collaboration



# PHASE I Cont.

## Written (Technical) Evaluation Criteria

### (Continued)

*NOTE: Proposals for specialized services include additional criteria in the following areas:*

- Dual diagnosis treatment services
- Intensive mental health treatment services
- Developmental disability services
- Borderline developmental disability services
- Sex offender treatment services



## PHASE I cont.

### Written-Past Performance Review Criteria

- DCF verified child abuse and neglect investigations.
- Closed substantiated excessive or unnecessary force incidents.
- Protective Action Response (PAR) rate, specifically the use of physical intervention.
- Failure to report incidents.
- Number of escapes
- Youth successfully completing the program
- Percentage of releases adjudicated for an offense during placement.
- Percentage of youth who remain crime free one year after release.
- Receiving a Cure Notice (Notification for failure to comply with the terms and conditions of the contract and maintaining contract compliance.)
- Accreditation (ACA, COA, CARF and JOINT COMMISSION)

# PHASE II- Oral Presentation Evaluation Criteria



- Timeline/Implementation schedule
- Fidelity monitoring of evidence-based/Promising practices
- Scenarios
- Value added

# PHASE III - Negotiations

Evaluation team determines the top ranked respondents to move forward to negotiations. Three residential staff serve as the negotiation team and technical advisors for health services, evidence based programming and budget are utilized as needed.

Negotiations allow the Department the opportunity to meet with each respondent to discuss/negotiate the following:

- Adjustments to proposal/presentation content (i.e., staffing, programming, etc.)
- Budget review
- Value added services (items respondent will provide at no cost to the Dept.)

After the conclusion of negotiations the team conducts a comparative analysis to recommend to the Secretary the respondent providing the best value to the state. Areas addressed in the analysis include: programming, health services, performance measures, fidelity monitoring and management capabilities.

# Contract/Program Oversight

- Program monitors visit programs and perform trend analysis on the following each month:
  - PAR incidents—all levels of physical interventions
  - Vacancies in administrative, direct care, and clinical staff
  - Staff terminations
  - CCC incident reports—including complaints against staff, escapes, arrests, and child abuse allegations, failure to report, etc.
  - Reports to DCF Abuse Hotline that do not meet criteria for abuse/neglect
  - Length of stay
  - Performance measures
- If performance issues are identified through trend analysis the following may occur:
  - Additional on-site monitoring visits including weekends and night shifts;
  - The Program and Technical Assistance Unit provides on-site training for programmatic issues such as effective behavioral management systems, gender responsive programming, effective case planning, etc.; and
  - Office of Health Services provides on-site training in the areas of medical services and mental health and substance abuse treatment.

# Contract/Program Oversight Cont.

- Teams interview a cross-section of youth in every residential program. The interviews focus on particular indicators of non-reporting of incidents, including youths' access to Florida's abuse registry hotline.
- Review the fidelity of each PAR incident
- Any incident reported by a residential program is reviewed by the Department. Allegations of a more serious nature, i.e. excessive use of force, inappropriate staff conduct, require the program monitor to visit the program within 24 hours to conduct an initial assessment. Purpose of assessment is to address youth safety, review available videos, determine if any immediate intervention is needed and to ensure the follow-up management review is accurately assigned.
- A comprehensive review is conducted for all incidents by a program monitor or management review specialist to thoroughly review all allegations and determine any findings and actions needed.
- The annual Quality Improvement review takes into consideration whether findings are systemic, and whether appropriate corrective action has been effectively implemented at the time of the review.
- Implemented a "critical alert" system during the annual Quality Improvement review, allowing serious findings related to youth care to be elevated prior to the conclusion of the review and corrected rapidly.
- All Quality Improvement indicators not meeting a satisfactory rating require immediate corrective action by the provider.
- Implemented the Standardized Program Evaluation Protocol (SPEP) to track and evaluate the actual delivery of delinquency interventions to each youth in our programs. SPEP will allow DJJ to identify shortcomings in current juvenile programs, and provides guidelines for improvement to optimize program effectiveness and positive outcomes statewide.



# FLORIDA DEPARTMENT OF JUVENILE JUSTICE

PART OF THE COMMUNITY, PART OF THE SOLUTION

## Residential Overview

Senate

Appropriations

Sub-Committee on Criminal and Civil Justice

Chairman Rob Bradley

January 15, 2014



**Governor Rick Scott**

**Secretary Wansley Walters**

# CourtSmart Tag Report

**Room:** LL 37

**Case:**

**Type:**

**Caption:** Senate Subcommittee on Criminal and Civil Justice Appropriations

**Judge:**

**Started:** 1/15/2014 10:03:48 AM

**Ends:** 1/15/2014 11:59:51 AM

**Length:** 01:56:04

**10:03:52 AM** Quorum call

**10:04:37 AM** Senator Altman will be late

**10:05:49 AM** Residential Programs - Wansley Walters, Secretary Dept. of Juvenile Justice

**10:06:52 AM** Detention is a temporary holding of a juvenile, average amount of stay constitutes and overnight visit, maximum 21 days.

**10:07:21 AM** All facilities with the exception of three are operated by JJ. The other three are operated by the Sheriff's Dept.

**10:08:11 AM** Senator Bradley requests cellphones off

**10:09:52 AM** Discussion of how the program works

**10:10:26 AM** Rolling out transitional services at this time.

**10:11:23 AM** Reduction of beds due to a system that has the prevention and community level

**10:13:32 AM** JJ comparing Florida to other states in the US

**10:14:02 AM** Residential reforms one of the most critical pieces was the way they contract with their providers

**10:15:07 AM** They have moved to an invitation to negotiate. Very time consuming process, but it allows the opportunity to let enhancement

**10:15:35 AM** to come into the facility. What innovations and incentives can you add to get the children back into the community?

**10:16:39 AM** Once invite is issued, provider puts in proposal which is reviewed and ranked. Negotiation period then begins.

**10:17:29 AM** Experts and providers are brought in for extensive negotiations.

**10:18:30 AM** Senator Clemens-talks about past performance of contractors and how is that ranked?

**10:19:29 AM** Questioned answered

**10:20:11 AM** Senator Soto - Do you consider mergers of companies? Yes they do.

**10:21:17 AM** Senator Joyner - Do you consider records of companies that they have out of the State of Florida? No

**10:21:44 AM** Do you review any work from other states? No (she elaborates on the question)

**10:23:14 AM** Senator Soto - Would it be relevant to look at in the future (out of state contracts)

**10:25:25 AM** Senator Dean - Don't you still have the facility in Citrus County? Treatment center maximum risk.

**10:26:00 AM** One level maximum risk, the other is referred to nonsecure even though a child cannot walk away from.

**10:27:26 AM** Past performance issues that are being reviewed are: better oversight, better coordination, oral presentations

**10:29:18 AM** Implementation of screening to determine if right people are working in program and facilities?

**10:30:33 AM** Providers offer scholarships, transition services, introduction to Boys and Girls Clubs, etc.

**10:32:23 AM** What happens when you take traumatized children and put them with other children of the same? Our smaller programs

**10:33:23 AM** are more easily controlled and allows them to interact with the staff in a controlled environment.

**10:34:10 AM** Senator Soto-Total ratio of personnel vs. number of kids in program? They will get back with that information

**10:34:48 AM** Do you feel like you could use more FTE for oversight in this year's budget? All levels of the department could benefit

**10:35:17 AM** from more FTE.

**10:35:25 AM** Senator Clemens-Questions regarding oversight employees.

**10:37:15 AM** Senator Clemens would like to know the cost.

**10:39:45 AM** Senator Bradley - Makes comments about JJ from a macro perspective.

**10:44:11 AM** Senator Hays - Thanks the Secretary for the progress. He requests that if she needs policy changes from the Legislature

**10:44:49 AM** etc., please let us know.

**10:45:41 AM** Senator Clemens-Reasoning for the shutdown of Thompson Academy?

**10:48:35 AM** Senator Clemens-Comments from Judges calling that facility a horror. The Secretary answers in detail.

**10:50:43 AM** Senator Soto-Claim of abuse, what is the scenario where a facility is closed due to claims of abuse? Question answered

**10:53:11 AM** Senator Braynon-Concept of reporting as a vendor you have an incident that could in some way hinder your renewal.

**10:53:47 AM** Address why this is or is not the case? The Secretary answers in detail.

**10:56:40 AM** Senator Bradley-Thanks the Secretary for the presentation.

**11:02:34 AM** Wells Todd-Jacksonville Juvenile Justice Coalition, former Social Worker talks about facilities.

**11:03:34 AM** He requests the cancellation of all YSI contracts.

**11:08:01 AM** David Utter-Policy Director, SPLC, Florida-Talks about facilities

**11:12:22 AM** Senator Clemens has a question

**11:12:58 AM** Senator Clemens-How do we get at the meat of the issue and what are your thoughts? Question answered

**11:14:27 AM** Senator Bradley-Macro discussion to talk about individual facilities. We are not hear on a hearing of any particular facility.

**11:15:45 AM** Senator Soto-Provide committee with guidelines on transparency-policy suggestions, etc.

**11:18:27 AM** Senator Bradley talks about budget from last year.

**11:20:01 AM** Michael Aaron Hoffman-Attorney from Huffington Post Article

**11:25:24 AM** Senator Flores-Dept. cannot request this information?

**11:26:05 AM** Senara Flores-Let us confirm with the Department.

**11:27:02 AM** Ciara Taylor-Political Director Dream Defenders-Discusses Youth Services International and the article in the Huffington Post.

**11:30:58 AM** Michael Sampson-Dream Defenders-stop private prison operators

**11:34:46 AM** Senator Bradley-A forest is a collection of trees, of one tree has issues, maybe the forest will have issues.

**11:40:41 AM** Senator Soto-thanks the Chair for allowing this hearing today.

**11:43:54 AM** Mr. Kinsey-Gainesville, Thanks Secretary Walters and talks about Pace Center for Girls

**11:45:52 AM** Fred Schuknecht, Director of Administration, DJJ-Update from the Department on Juvenile Shared Detention Costs

**11:49:46 AM** What do you want to do going forward? We want 18.4 million dollars this year.

**11:51:57 AM** Jason Welty, Policy Director for DJJ.

**11:52:57 AM** Senator Braynon-Increase in amount of money for your total ask? How much will be dealing with this situation? Answered

**11:54:35 AM** Senator Altman asks question

**11:55:55 AM** Senator Dean with question

**11:56:41 AM** Lisa Hurley Florida Assoc. of Counties wants to end billing disputes. They want to change the billing model.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/15/14

Meeting Date

Topic Dept Juvenile Justice Contracting

Bill Number \_\_\_\_\_ (if applicable)

Name WALTER WALTERS

Amendment Barcode \_\_\_\_\_ (if applicable)

Job Title Secretary

Address 2723 Letuview Dr

Phone 800-717-2716

Street JEL FL 32599  
City State Zip

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing JSJ

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/15/14

Meeting Date

Topic Youth Services International

Bill Number \_\_\_\_\_ (if applicable)

Name AMANDA Merced

Amendment Barcode \_\_\_\_\_ (if applicable)

Job Title \_\_\_\_\_

Address 75 N Woodward Ave Box #61704

Phone \_\_\_\_\_

Street Tallahassee FL 32308  
City State Zip

E-mail alm46@aol.com

Speaking:  For  Against  Information

Representing Dream Defenders

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/20/11)

THE FLORIDA SENATE  
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1/15/14  
Meeting Date

Topic Youth Services International

Bill Number \_\_\_\_\_  
(if applicable)

Name Michael Sampson

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title ~~Peace Defenders~~

Address 1854 Belle Vue Way Apt 3P  
Street

Phone (904) 992-0442

Tallahassee FL 32304  
City State Zip

E-mail ms10e@my.fsu.edu

Speaking:  For  Against  Information  
<sub>ISI</sub>

Representing Dream Defenders

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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January 15, 2013  
Meeting Date

Topic Youth Services International, Inc.

Bill Number \_\_\_\_\_  
(if applicable)

Name Ciara Taylor

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Political Director

Address 550 35th Ave SW  
Street

Phone (772) 532-3065

Vero Beach, FL 32968  
City State Zip

E-mail Ciara@dreamdefenders.org

Speaking:  For  Against  Information

Representing Dream Defenders

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/15/14  
Meeting Date

Topic DJS youth file

Bill Number \_\_\_\_\_ (if applicable)

Name Michael Aaron Hoffman

Amendment Barcode \_\_\_\_\_ (if applicable)

Job Title Attorney

Address 4000 Hollywood Blvd #725-S

Phone 954 665 5290

Hollywood FL 33221  
City State Zip

E-mail Michael@MahLawyer.com

Speaking:  For  Against  Information

Representing Juvenile

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/20/11)

THE FLORIDA SENATE  
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/15/13  
Meeting Date

Topic DJS residential-

Bill Number None (if applicable)

Name David Utter

Amendment Barcode \_\_\_\_\_ (if applicable)

Job Title Policy Director, SPLC -FL

Address 4770 Biscayne Blvd, Ste 760

Phone 334-296-0727

Miami FL 33137  
City State Zip

E-mail david.utter@splcfla.org

Speaking:  For  Against  Information

Representing SPLC

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/20/11)

THE FLORIDA SENATE  
APPEARANCE RECORD

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11/15/14

Meeting Date

Topic 055 residential

Bill Number none (if applicable)

Name Wells Todd

Amendment Barcode \_\_\_\_\_ (if applicable)

Job Title Retired

Address 1761 Sea Oaks Dr

Phone (904) 477-8979

Atlantic Beach FL 32233  
City State Zip

E-mail Wells.todd6215@gmail.com

Speaking:  For  Against  Information

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/20/11)

THE FLORIDA SENATE  
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/15/14

Meeting Date

Topic <sup>re:</sup> Residential Overview Presentation

Bill Number \_\_\_\_\_ (if applicable)

Name Julian Kinsey

Amendment Barcode \_\_\_\_\_ (if applicable)

Job Title \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Gainesville FL 32607  
City State Zip

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing Out-of-state performance review & consideration

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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APPEARANCE RECORD

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1/15/14  
Meeting Date

Topic Detention Cost Share Bill Number \_\_\_\_\_ (if applicable)  
Name Fred Schuknecht Amendment Barcode \_\_\_\_\_ (if applicable)  
Job Title Director of Administration  
Address 2737 Centurion Drive Phone (850) 544-893  
Tallahassee FL 32399 E-mail fred.schuknecht@djj.state.fl.us  
City State Zip

Speaking:  For  Against  Information

Representing Florida Department of Juvenile Justice

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

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APPEARANCE RECORD

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1/15/14  
Meeting Date

Topic Detention Cost Share Bill Number \_\_\_\_\_ (if applicable)  
Name Jason Welty Amendment Barcode \_\_\_\_\_ (if applicable)  
Job Title Chief of Staff  
Address 2737 Centurion Drive Phone (850) 544-8935  
Tallahassee, FL 32399 E-mail jason.welty@djj.state.fl.us  
City State Zip

Speaking:  For  Against  Information

Representing Florida Department of Juvenile Justice

Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/15/14

Meeting Date

Topic Juvenile Cost-Share

Bill Number N/A  
(if applicable)

Name Lisa M. Hurley

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Senior leg. Advocate

Address 100 S. Monroe St.

Phone 850.922.4300

Street Tallahassee FL 32301  
City State Zip

E-mail lhurley@fl-counties.com

Speaking:  For  Against  Information

Representing FL Assoc. of Counties

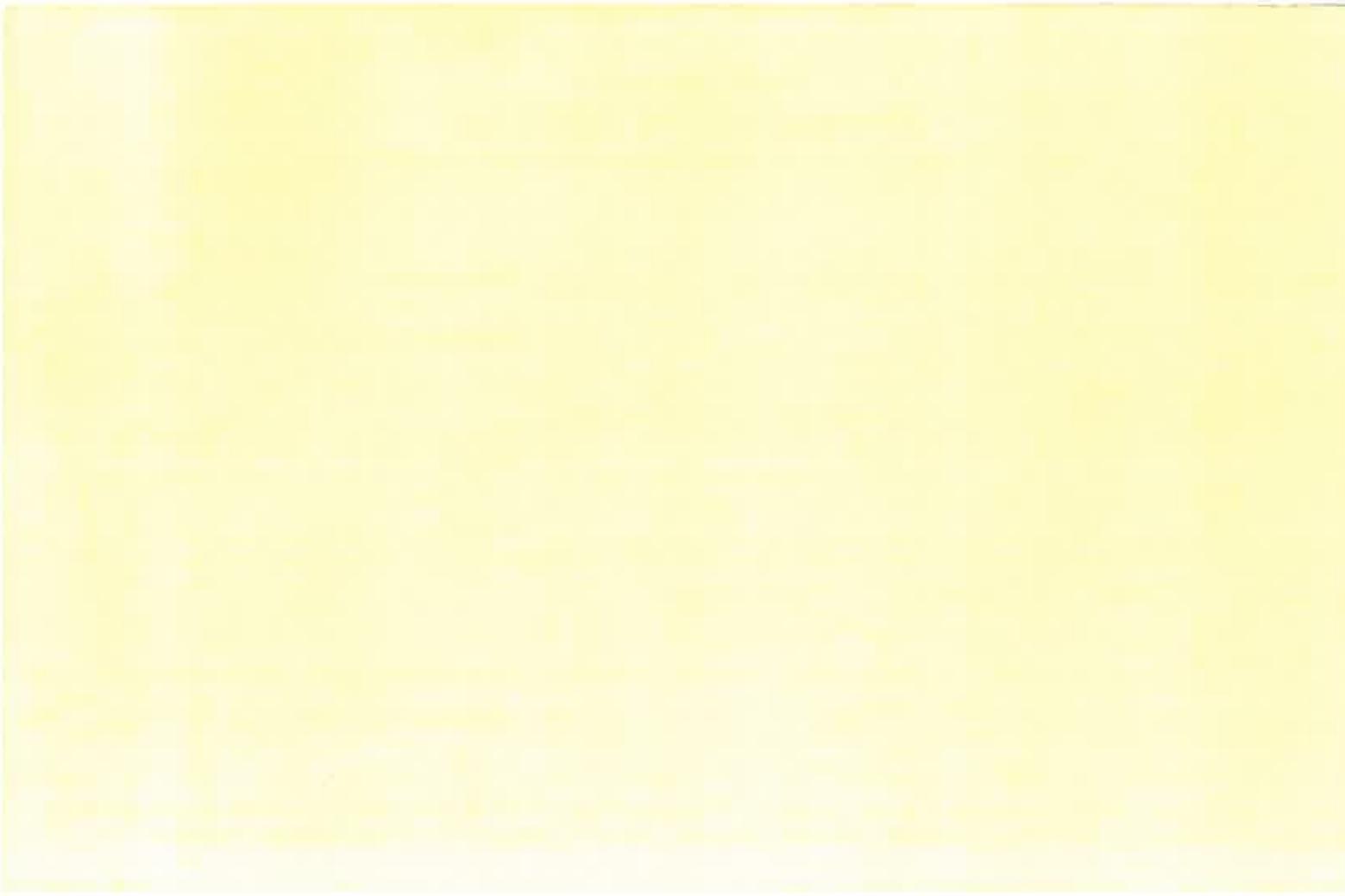
Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/20/11)



# Michael Hoffman Handout - 01/15/14

## 63E-7.002 Definitions.

(39) Individual Healthcare Record – The unified cumulative collection of records, histories, assessments, treatments, diagnostic tests and other documents which relate to a youth's medical, mental/behavioral, and dental health, and which have been obtained to facilitate care while the youth is in the custody of a detention center or residential commitment program or which document care provided while the youth is in the custody of these facilities.

(40) Individual Management Record – The organized collection of records and documents that relate to a youth's care, custody and treatment in a residential commitment program, with the exception of records relating to the youth's medical, mental/behavioral, and dental health that comprise the youth's individual healthcare record as defined in this rule.

October 2, 2012

- email from BMO "YS takes the position that Mr. M's file is exempt from disclosure."

October 4, 2012

- email from Ward, DJJ - "Youth records are exempt from public inspection. However, the normal procedure is for the youth's file to be transferred back to the Department once a youth leaves a program. See 63E-7.016(15)(d), F.A.C. We can provide you with a cost estimate or any records in DJJ's possession..."

October 8, 2012

- MAH sends release to receive DM's documents from the State. Asks "Is TA required to provide all of D's documentation to DJJ so it can be provided to me?"

- email from Ms. Ward, DJJ "Once a youth leaves a program, their file is supposed to go back to the youth's home circuit. While at the program, the assigned JPO receives copies of progress reports. I do not know what, if anything, the program retains."

October 11, 2012

- email from BMO "The transfer of Mr. M's file to DJJ is a matter between Youth Services and DJJ. You are not a representative of DJJ."

October 22, 2012

- email from BMO "I dont have any information on the transfer of the file. That is between my client and the state..."

October 25, 2012

- MAH to Ward "Could you please tell me if YSI has released the documents to the State?"

- email from Ward, DJJ "We are not obtaining records from the provider. if you would like those records, I would suggest either you or your client request them from the provider. Our Circuit 17 Probation Office did pull the youth's file maintained by the Department to see if there are any records from TA in it. They have indicated that there were none."

October 26, 2012

- email from Ward, DJJ "Probation was able to find the attached documents related Thompson Academy. They recently moved to another office so that may have been the problem."

October 30, 2012

- MAH receives invoice 1000+ pages - asks "Is this only the Bristol Youth Academy file?"

October 31, 2012

- email from DJJ "I spoke with C17, and ... there were no other TA records in the file.

November 8, 2012

- email from BMO "My client's position is that you do not have standing to challenge any interactions between my client and the State of Florida..."

November 19, 2012

- email from BMO "...document production between my clients and the State of Florida are issues which you and your client do not have standing to challenge. To date, I am not aware of any notification from any State of Florida agency that my clients have failed to produce any records. That said, and without waiving the above, my clients have properly produced all documents to the State of Florida."

November 26, 2012

- MAH requests from DJJ - asks for "Official Youth Case Record from TA. The official youth case record is to be comprised of the Individual Healthcare Record and Individual Management Record. To avoid further confusion on YSI's part, I have included definitions of what these records are to consist of from 63E-7.002, Definition., 63 FL ADC 63E-7.002."

November 27, 2012

- email from DJJ "the invoice sent you on October 30, 2012 is for a complete copy of the DM's DJJ file. We sent you documents identified for TA. If you would like a copy of any documents not on TA letterhead that were created while he was at the facility, I can provide you with an estimate..."

November 27, 2012

- MAH email to DJJ - "I would like a copy of every piece of paper created at TA by or on behalf of DM while he was at the facility."

December 12, 2012

- MAH receives invoice in response to above request - 84 pages total

May 6, 2013

- MAH attends MDEAT Forum and asks Walters way he cant retrieve youth file from YSI

May 7, 2013

- MAH emails Walters and is referred to her chief of staff and DJJ's general counsel

May 28, 2013

- MAH email to BMO asking for health care records under HIPAA

June 10, 2013

- MAH emails Walters "Thank you for your efforts out....