

By Senator Garcia

40-1735-07

See HB

1 A bill to be entitled

2 An act relating to the Department of Juvenile

3 Justice; providing legislative intent; creating

4 s. 985.495, F.S.; providing definitions;

5 requiring that the Department of Juvenile

6 Justice allow Bay Point Schools to continue to

7 operate its program as an enhanced intermediate

8 moderate-risk residential program for specified

9 juveniles; providing program requirements;

10 prohibiting specified punishment; providing for

11 exclusion of certain juveniles; providing

12 duties of the department; providing an

13 effective date.

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15 WHEREAS, Bay Point Schools was established as a pilot

16 program in 1995, and

17 WHEREAS, the Department of Juvenile Justice contracted

18 with Bay Point Schools to provide residential services for

19 moderate-risk youth, and

20 WHEREAS, the Bay Point Schools' philosophy and

21 cognitive behavior program is entirely evidence-based,

22 focusing on positive reinforcement, and

23 WHEREAS, a cognitive behavior approach emphasizes

24 self-discipline and rewards based on changes in behavior

25 instead of using locks, bars, and limited commitment times,

26 and

27 WHEREAS, evidence-based research finds that the

28 greatest influence on adolescents is their adolescent peers,

29 and

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1 WHEREAS, research proves that a continuum of services 6
2 to 12 months after completion of a residential program reduces
3 recidivism, and

4 WHEREAS, the only residential moderate-risk programs
5 within the Department of Juvenile Justice structure are
6 halfway houses, and

7 WHEREAS, Bay Point Schools' philosophy, environment,
8 and program are completely different from those of a
9 Department of Juvenile Justice halfway house, and

10 WHEREAS, Bay Point Schools serves as a prevention
11 program, accepting non-adjudicated, at-risk youth placed by
12 parents and legal guardians, and

13 WHEREAS, new rules, regulations, and expectations
14 should be developed by Bay Point Schools and a program should
15 be established by general law that is different from the
16 department's halfway houses and specific to the Bay Point
17 Schools' model, NOW, THEREFORE,

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19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. It is the intent of the Legislature that
22 the Department of Juvenile Justice should monitor and measure
23 the performance of Bay Point Schools by using the policies and
24 procedures developed by Bay Point Schools to implement an
25 enhanced intermediate moderate-risk residential program.

26 Section 2. Section 985.495, Florida Statutes, is
27 created to read:

28 985.495 Bay Point Schools program.--

29 (1) DEFINITIONS.--As used in this section, the term:
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1 (a) "Conditional release" means an aftercare program
2 that supervises an adolescent for 6 to 12 months after
3 discharge from the provider's program.

4 (b) "Enhanced intermediate moderate-risk program"
5 means a residential program serving moderate-risk adolescent
6 males committed by the juvenile justice court system and
7 adolescent males direct filed and referred to the provider by
8 the state courts system.

9 (c) "Program" means Bay Point Schools' cognitive
10 behavior program.

11 (d) "Provider" means Bay Point Schools, Inc., a
12 nonprofit organization under s. 501(c) of the Internal Revenue
13 Code, headquartered in Miami.

14 (2) ENHANCED INTERMEDIATE MODERATE-RISK RESIDENTIAL
15 PROGRAM FOR ADJUDICATED AND AT-RISK ADOLESCENT MALES.--

16 (a) The department shall allow the provider to operate
17 its program as an enhanced intermediate moderate-risk
18 residential program for adjudicated and at-risk adolescent
19 males. The residential program shall serve moderate-risk
20 adolescent males and those adolescent males who are direct
21 filed and referred to the provider from the state courts
22 system.

23 (b) The provider shall design and operate the
24 following programmatic components:

25 1. A comprehensive continuum of evidenced-based
26 services from intake of an adolescent male into the program
27 through the adolescent male's completion of the program's
28 conditional release period after discharge from the program.

29 2. An individualized behavior management system based
30 on positive peer pressure and incentive-based rewards.

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1 3. Development of flexible safety and security
2 policies and protocols to support the integrity of the peer
3 model design and the provider's positive behavior management
4 system.

5 4. Development of a peer-to-peer system of leadership,
6 which should motivate adolescents to model behaviors based on
7 positive, rather than negative, choices.

8 5. Therapeutic services, including evidenced-based
9 family intervention strategies.

10 6. Substance abuse and mental health therapy based on
11 evidence-based practices.

12 7. Length of commitment determined on whether the
13 adolescent is referred to the provider through the adult court
14 system or the juvenile justice court system. The juvenile
15 court referred length of stay may range from 8 to 12 months,
16 and the adult court referral may provide for longer lengths of
17 stay.

18 8. Extracurricular activities and interscholastic
19 sports.

20 9. Job counseling and job placement.

21 10. A conditional release program.

22 11. An independent living program for adolescents who,
23 upon discharge from the program, cannot return to a home or
24 whose neighborhood violates the people, places, and things
25 restrictions of the provider.

26 (3) PROHIBITION ON TIME-OUT CELLS.--The provider will
27 operate the program without disciplinary time-out cells.
28 Problem behaviors will be confronted based on evidence-based
29 practices.

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1 (4) ADMISSION POLICY EXCLUSIONS.--The admission policy
2 shall exclude adolescents who are sexual predators or who
3 require intensive psychiatric attention.

4 (5) ROLE OF THE DEPARTMENT TO SUPPORT THE PROVIDER
5 DESIGN MODEL.--The provider's program plan shall be submitted
6 to the secretary of the department and will constitute the
7 governing rules, regulations, and measurement of the quality
8 assurance of the program. The department shall allow
9 responsibility to be placed on students who achieve certain
10 behavioral standards and serve to support staff in its
11 evidenced-based practices.

12 Section 3. This act shall take effect July 1, 2007.