

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

**MILLER FRANK JOHNSON,
et al.,**

Plaintiffs,

v.

CASE NO. 8:87-cv-369-T-24 TBM

GEORGE H. SHELDON, et al.,

Defendant.

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ORDER

This cause comes before the Court for consideration of Defendant's Unopposed Dispositive Motion to Exit Suncoast Region and District 8 and Terminate Consent Decree (Doc. No. 1618). Upon this Court's independent examination of the file and after conducting a hearing upon the unopposed motion on February 11, 2010, in which all parties and the Court Monitor were heard, it is determined that the Suncoast Region and District 8 are allowed to exit the Consent Decree (Doc. No. 68); the Stipulation Regarding Exit Criteria (Doc. No. 1615) has been complied with; the remaining paragraphs of the Consent Decree – 2, 35, and 37 – are vacated; the injunctions are dissolved; the Consent Decree is terminated and this Court relinquishes its jurisdiction over this cause.

I. Background

In the Court's Order dated September 30, 2009, (Doc. No. 1614) related to Defendant's First Motion to Exit Consent Decree (Doc. No. 1565) and Defendant's Supplemental Motion to Exit Consent Decree (Doc. No. 1577), it found that District 14 and District 15 had fully satisfied the community exit criteria and were authorized to exit the Consent Decree and the Court's

supervision and Orders thereunder. As to Suncoast Region and District 8 the motions were denied. However, Defendant was given leave to raise the issue of whether Suncoast Region fully satisfied the community compliance exit criteria in 2007 because one “refuser” (one who refused all treatment for at least 90 days) should have been excluded from the 2007 compliance review. The Court further ordered that monitoring should continue in accordance with the Consent Decree and the community compliance exit criteria as to District 8 and the Suncoast Region.

Pursuant to the 1993 Stipulation, the levels of compliance required to exit are defined as follows:

1. 85 percent of all class members will achieve positive results on 6 of the 7 (85%) community compliance areas.
2. Each district will exit any individual community compliance area when 85 percent or more people in the sample meet the requirements of any compliance area(s). Monitoring will continue for the full sample across all seven community compliance areas until the required performance level of 85 percent has been achieved in all seven compliance areas. Monitoring of those compliance areas where the standard has been previously achieved shall be considered technical assistance and any future scores shall not affect the district(s) ability to exit overall.
3. Each district will exit independent of the performance of any other district when the performance criteria stated on 1 and 2 above have been achieved.

(Doc. No. 1615: Exhibit 1 to Stipulation, p. 3).

II. Full Compliance with the Exit Criteria

On November 13, 2009, the Office of the Monitor issued its *2009 Suncoast Region Community Exit Criteria Compliance Reviews Report of Findings*, which concluded as follows:

The Suncoast Region has achieved full compliance with both requirements of the community exit criteria. As this report documents, this area actually achieved all of the requirements for exiting the lawsuit in 2007, but the error was not discovered until

recently. While in 2008, Suncoast Region did not meet the requirements for compliance, that review would not have occurred had the real findings for 2007 been known. And given that the area achieved compliance in 2007 and scored very highly during the 2009 reviews, it is clear that the Suncoast Region has met both of the requirements for a finding of full compliance.

(Doc. No. 1618-1: Exhibit 1, Monitor's *2009 Suncoast Region Report of Findings*, p. 7).

On December 19, 2009, the Office of the Monitor issued its *2009 District 8 Community Exit Criteria Compliance Reviews Report of Findings*, which concluded as follows:

Given that the Monitor's November 13, 2009 report on the Suncoast Region's 2009 community compliance review confirmed full compliance with both requirements of the exit criteria and this report confirms that District 8 has achieved full compliance with both requirements of the community exit criteria, the Office of the Monitor concludes that defendants have complied with all of the provisions of the exit criteria.

(Doc. No. 1618-2: Exhibit 2, Monitor's *2009 District 8 Report of Findings*, p. 6).

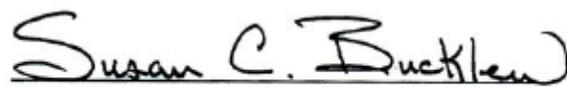
At the hearing conducted on February 11, 2010, the Court confirmed with the parties, that once the unopposed motion is granted it would terminate the Consent Decree and the Court's jurisdiction over this cause. The Monitor affirmed the purpose of the Consent Decree had been achieved and that there is no significant likelihood of recurring violations of federal law once the Consent Decree has been lifted.

III. Conclusion

Accordingly it is now **ORDERED AND ADJUDGED** that:

- (1) Defendant's Unopposed Dispositive Motion to Exit Suncoast Region and District 8 and Terminate Consent Decree (Doc. No. 1618) is **GRANTED**.
- (2) The Court finds that Suncoast Region and District 8 have fully satisfied the community compliance exit criteria and are authorized to exit the Consent Decree and the Court's supervision and Orders thereunder. In addition, the Court finds Defendant has complied with the Stipulation Regarding Exit Criteria (Doc. No. 1615).
- (3) The Court further finds the purpose of the Consent Decree has been achieved and that there is no significant likelihood of recurring violations of federal law once the Consent Decree has been lifted. *Johnson, et al. v. State of Florida, et al.*, 348 F. 3d 1334, 1343 (11th Cir. 2003). In keeping with this determination the Court dissolves all injunctions, terminates the Consent Decree, relinquishes jurisdiction over this cause, and orders the Clerk to close the case.

DONE AND ORDERED at Tampa, Florida this 19th day of February, 2010.


SUSAN C. BUCKLEW
United States District Judge

Copies to:
The Honorable Thomas B. McCoun III
Counsel of Record