

By the Committee on Criminal Justice and Senators Williams and Thomas

307-2117-98

1 A bill to be entitled
2 An act relating to juvenile justice; amending
3 s. 985.309, F.S.; providing funding for boot
4 camps operated by the Department of Juvenile
5 Justice, a county, or municipal government,
6 contingent upon specific appropriation, local
7 funding, or state and local funding; requiring
8 boot camps operated by a sheriff to be under
9 his or her supervisory jurisdiction and
10 authority as determined by a contract between
11 the department and the sheriff; providing for
12 children committed to boot camp to be placed in
13 the boot camp in or nearest to the judicial
14 circuit in which they were adjudicated;
15 providing exceptions to a boot camp placement;
16 deleting requirement that the department charge
17 and a county or municipal government pay a
18 monitoring fee; clarifying consequences for a
19 department, county, or municipal boot camp
20 failing to comply with department rules for
21 boot camps; deleting authorization for the
22 department to institute injunctive proceedings
23 against a county or municipal boot camp for
24 failing to comply with department rules for
25 boot camps; providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

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29 Section 1. Section 985.309, Florida Statutes, is
30 amended to read:

31 985.309 Boot camp for children.--

1 (1) Contingent upon specific appropriation, ~~the~~
2 ~~department shall implement and operate a boot camp program to~~
3 ~~provide an intensive educational and physical training and~~
4 ~~rehabilitative program for appropriate children.~~

5 ~~(2)~~ Contingent upon local funding, or specific
6 appropriation and local funding, the department or a county or
7 municipal government may implement and operate a boot camp
8 program to provide an intensive educational and physical
9 training and rehabilitative program for appropriate children.
10 Boot camps implemented and operated by a sheriff shall be
11 under his or her supervisory jurisdiction and authority as
12 determined by a contract between the department and the
13 sheriff.

14 ~~(2)(3)~~ A child may be placed in a boot camp program if
15 he or she is at least 14 years of age but less than 18 years
16 of age at the time of adjudication and has been committed to
17 the department for any offense that, if committed by an adult,
18 would be a felony, other than a capital felony, a life felony,
19 or a violent felony of the first degree.

20 (3) A child committed to the department and committed
21 to placement in a boot camp shall be placed in a boot camp in
22 or nearest to the judicial circuit in which the child was
23 adjudicated, unless such a placement would not be in the best
24 interest of the child or the boot camp was unable to accept
25 the child.

26 (4) The department, county, or municipality operating
27 the boot camp program shall screen children sent to the boot
28 camp program, so that only those children who have medical and
29 psychological profiles conducive to successfully completing an
30 intensive work, educational, and disciplinary program may be
31 admitted to the program. The department shall adopt rules for

1 use by the department, county, or municipality operating the
2 boot camp program for screening such admissions.

3 (5) The program shall include educational assignments,
4 work assignments, and physical training exercises. Children
5 shall be required to participate in educational, vocational,
6 and substance abuse programs and to receive additional
7 training in techniques of appropriate decisionmaking, as well
8 as in life skills and job skills. The program shall include
9 counseling that is directed at replacing the criminal
10 thinking, beliefs, and values of the child with moral
11 thinking, beliefs, and values.

12 (6) A boot camp operated by the department, a county,
13 or a municipality must provide for the following minimum
14 periods of participation:

15 (a) A participant in a low-risk residential program
16 must spend at least 2 months in the boot camp component of the
17 program and 2 months in aftercare.

18 (b) A participant in a moderate-risk residential
19 program must spend at least 4 months in the boot camp
20 component of the program and 4 months in aftercare.

21
22 This subsection does not preclude the operation of a program
23 that requires the participants to spend more than 4 months in
24 the boot camp component of the program or that requires the
25 participants to complete two sequential programs of 4 months
26 each in the boot camp component of the program.

27 (7) The department shall adopt rules for use by the
28 department, county, or municipality operating the boot camp
29 program which provide for disciplinary sanctions and
30 restrictions on the privileges of the general population of
31 children in the program.

1 (8) The department shall conduct quarterly inspections
2 and evaluations of each department, county, or municipal
3 government boot camp program to determine whether the program
4 complies with department rules for continued operation of the
5 program. If a county or municipal government ~~The department~~
6 ~~shall charge, and the county or municipal government shall~~
7 ~~pay, a monitoring fee equal to 0.5 percent of the direct~~
8 ~~operating costs of the boot camp program. The operation of a~~
9 boot camp program ~~that~~ fails to pass the department's
10 quarterly inspection and evaluation, such failure shall cause
11 the department to terminate the program unless the program
12 complies with department rules within 3 months or unless there
13 are documented extenuating circumstances ~~if the deficiency~~
14 ~~causing the failure is material, must be terminated if the~~
15 ~~deficiency is not corrected by the next quarterly inspection.~~

16 (9) If a department-operated boot camp fails to pass
17 the department's quarterly inspection and evaluation, the
18 department must take necessary and sufficient steps to ensure
19 and document program changes to achieve compliance with
20 department rules. If the department-operated boot camp fails
21 to achieve compliance with department rules within 3 months
22 and if there are no documented extenuating circumstances, the
23 department must notify the Executive Office of the Governor
24 and the Legislature of the corrective action taken.

25 Appropriate corrective action may include, but is not limited
26 to:

27 (a) Contracting out for the operation of the boot
28 camp;

29 (b) Initiating appropriate disciplinary action against
30 all employees whose conduct or performance is deemed to have
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1 materially contributed to the program's failure to meet
2 department rules;
3 (c) Redesigning the program; or
4 (d) Realigning the program.
5 (10)~~(9)~~ The department shall keep records and monitor
6 criminal activity, educational progress, and employment
7 placement of all boot camp program participants in department,
8 county, and municipal boot camp programs after their release
9 from the program. The department must publish an outcome
10 evaluation study of each boot camp program within 18 months
11 after the fourth platoon has graduated.
12 (11)~~(10)~~ A child in any boot camp program who becomes
13 unmanageable or medically or psychologically ineligible must
14 be removed from the program.
15 (12)~~(11)~~(a) The department may contract with private
16 organizations for the operation of its boot camp program and
17 aftercare.
18 (b) A county or municipality may contract with private
19 organizations for the operation of its boot camp program and
20 aftercare.
21 (13)~~(12)~~(a) The Juvenile Justice Standards and
22 Training Commission shall either establish criteria for
23 training all contract staff or provide a special training
24 program for department, county, and municipal boot camp
25 program staff, which shall include appropriate methods of
26 dealing with children who have been placed in such a stringent
27 program.
28 (b) Administrative staff must successfully complete a
29 minimum of 120 contact hours of commission-approved training.
30 Staff who have direct contact with children must successfully
31 complete a minimum of 200 contact hours of commission-approved

1 training, which must include training in the counseling
2 techniques that are used in the boot camp program, basic
3 cardiopulmonary resuscitation and choke-relief, and the
4 control of aggression.

5 (c) All training courses must be taught by persons who
6 are certified as instructors by the Division of Criminal
7 Justice Standards and Training of the Department of Law
8 Enforcement and who have prior experience in a juvenile boot
9 camp program. A training course in counseling techniques need
10 not be taught by a certified instructor but must be taught by
11 a person who has at least a bachelor's degree in social work,
12 counseling, psychology, or a related field.

13 (d) A person may not have direct contact with a child
14 in the boot camp program until he or she has successfully
15 completed the training requirements specified in paragraph
16 (b), unless he or she is under the direct supervision of a
17 certified drill instructor or camp commander.

18 ~~(13)(a) The department may institute injunctive~~
19 ~~proceedings in a court of competent jurisdiction against a~~
20 ~~county or a municipality to:~~

21 ~~1. Enforce the provisions of this chapter or a minimum~~
22 ~~standard, rule, regulation, or order issued or entered~~
23 ~~pursuant thereto; or~~

24 ~~2. Terminate the operation of a facility operated~~
25 ~~pursuant to this section.~~

26 ~~(b) The department may institute proceedings against a~~
27 ~~county or a municipality to terminate the operation of a~~
28 ~~facility when any of the following conditions exist:~~

29 ~~1. The facility fails to take preventive or corrective~~
30 ~~measures in accordance with any order of the department.~~

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1 ~~2. The facility fails to abide by any final order of~~
2 ~~the department once it has become effective and binding.~~

3 ~~3. The facility commits any violation of this section~~
4 ~~constituting an emergency requiring immediate action as~~
5 ~~provided in this chapter.~~

6 ~~4. The facility has willfully and knowingly refused to~~
7 ~~comply with the screening requirement for personnel pursuant~~
8 ~~to s. 985.01 or has refused to dismiss personnel found to be~~
9 ~~in noncompliance with the requirements for good moral~~
10 ~~character.~~

11 ~~(c) Injunctive relief may include temporary and~~
12 ~~permanent injunctions.~~

13 Section 2. This act shall take effect July 1, 1998.

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15 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
16 COMMITTEE SUBSTITUTE FOR
17 Senate Bill 1486

- 18 . Deletes the section of the bill relating to maximum-risk
19 residential commitment programs.
20 . Deletes the section of the bill relating to transferring
21 a juvenile for adult prosecution.
22 . Retains current funding language for boot camps.
23 . Retains current eligibility requirements for boot camps.
24 . Eliminates the 0.5 percent monitoring fee currently
25 assessed against local boot camps.
26 . Provides that the Department of Juvenile Justice (DJJ)
27 can terminate boot camp programs that do not comply with
28 the department's rules within three months of failing to
29 pass an inspection, unless extenuating circumstances can
30 be documented.
31 . Provides that the DJJ is not authorized to initiate
injunctive proceedings against a county or municipality
to enforce the statutory provisions, rules, or
regulations relating to boot camps.