

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

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

17           (9) If a department-operated boot camp fails to pass  
 18 the department's quarterly inspection and evaluation, the  
 19 department must take necessary and sufficient steps to ensure  
 20 and document program changes to achieve compliance with  
 21 department rules. If the department-operated boot camp fails  
 22 to achieve compliance with department rules within 3 months  
 23 and if there are no documented extenuating circumstances, the  
 24 department must notify the Executive Office of the Governor  
 25 and the Legislature of the corrective action taken.  
 26 Appropriate corrective action may include, but is not limited  
 27 to:

- 28           a. contracting out for the operation of the boot 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.~~