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CHAMBER ACTION

Senate

House

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5/1/2008 2:24 PM

The Conference Committee on SB 2820 recommended the following
amendment:

Conference Committee Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (6) of section 985.02, Florida
Statutes, is amended to read:

985.02 Legislative intent for the juvenile justice
system.--

(6) SITING OF FACILITIES.--

(a) The Legislature finds that timely siting and
development of needed residential facilities for juvenile
offenders is critical to the public safety of the citizens of
this state and to the effective rehabilitation of juvenile
offenders.



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17 (b) It is the purpose of the Legislature to guarantee that
18 such facilities are sited and developed within reasonable
19 timeframes after they are legislatively authorized and
20 appropriated.

21 (c) The Legislature further finds that such facilities must
22 be located in areas of the state close to the home communities of
23 the children they house in order to ensure the most effective
24 rehabilitation efforts and the most intensive postrelease
25 supervision and case management. Residential facilities shall
26 have no more than 165 beds each, including campus-style programs,
27 unless those campus-style programs include more than one level of
28 restrictiveness, provide multilevel education and treatment
29 programs using different treatment protocols, and have facilities
30 that co-exist separately in distinct locations on the same
31 property.

32 (d) It is the intent of the Legislature that all other
33 departments and agencies of the state shall cooperate fully with
34 the Department of Juvenile Justice to accomplish the siting of
35 facilities for juvenile offenders.

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37 The supervision, counseling, rehabilitative treatment, and
38 punitive efforts of the juvenile justice system should avoid the
39 inappropriate use of correctional programs and large
40 institutions. The Legislature finds that detention services
41 should exceed the primary goal of providing safe and secure
42 custody pending adjudication and disposition.

43 Section 2. Subsection (44) of section 985.03, Florida
44 Statutes, is amended to read:

45 985.03 Definitions.--As used in this chapter, the term:



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46 (44) "Restrictiveness level" means the level of programming
47 and security provided by programs that service the supervision,
48 custody, care, and treatment needs of committed children.
49 Sections 985.601(10) and 985.721 apply to children placed in
50 programs at any residential commitment level. The restrictiveness
51 levels of commitment are as follows:

52 (a) Minimum-risk nonresidential.--Programs or program
53 models at this commitment level work with youth who remain in the
54 community and participate at least 5 days per week in a day
55 treatment program. Youth assessed and classified for programs at
56 this commitment level represent a minimum risk to themselves and
57 public safety and do not require placement and services in
58 residential settings. Youth in this level have full access to,
59 and reside in, the community. Youth who have been found to have
60 committed delinquent acts that involve firearms, that are sexual
61 offenses, or that would be life felonies or first degree felonies
62 if committed by an adult may not be committed to a program at
63 this level.

64 (b) Low-risk residential.--Programs or program models at
65 this commitment level are residential but may allow youth to have
66 unsupervised access to the community. Residential facilities
67 shall have no more than 165 beds each, including campus-style
68 programs, unless those campus-style programs include more than
69 one level of restrictiveness, provide multilevel education and
70 treatment programs using different treatment protocols, and have
71 facilities that co-exist separately in distinct locations on the
72 same property. Youth assessed and classified for placement in
73 programs at this commitment level represent a low risk to
74 themselves and public safety but do require placement and
75 services in residential settings. Children who have been found to



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76 have committed delinquent acts that involve firearms, delinquent
77 acts that are sexual offenses, or delinquent acts that would be
78 life felonies or first degree felonies if committed by an adult
79 shall not be committed to a program at this level.

80 (c) Moderate-risk residential.--Programs or program models
81 at this commitment level are residential but may allow youth to
82 have supervised access to the community. Facilities are either
83 environmentally secure, staff secure, or are hardware-secure with
84 walls, fencing, or locking doors. Residential facilities shall
85 have no more than 165 beds each, including campus-style programs,
86 unless those campus-style programs include more than one level of
87 restrictiveness, provide multilevel education and treatment
88 programs using different treatment protocols, and have facilities
89 that co-exist separately in distinct locations on the same
90 property. Facilities shall provide 24-hour awake supervision,
91 custody, care, and treatment of residents. Youth assessed and
92 classified for placement in programs at this commitment level
93 represent a moderate risk to public safety and require close
94 supervision. The staff at a facility at this commitment level may
95 seclude a child who is a physical threat to himself or herself or
96 others. Mechanical restraint may also be used when necessary.

97 (d) High-risk residential.--Programs or program models at
98 this commitment level are residential and do not allow youth to
99 have access to the community, except that temporary release
100 providing community access for up to 72 continuous hours may be
101 approved by a court for a youth who has made successful progress
102 in his or her program in order for the youth to attend a family
103 emergency or, during the final 60 days of his or her placement,
104 to visit his or her home, enroll in school or a vocational
105 program, complete a job interview, or participate in a community



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106 service project. High-risk residential facilities are hardware-
107 secure with perimeter fencing and locking doors. Residential
108 facilities shall have no more than 165 beds each, including
109 campus-style programs, unless those campus-style programs include
110 more than one level of restrictiveness, provide multilevel
111 education and treatment programs using different treatment
112 protocols, and have facilities that co-exist separately in
113 distinct locations on the same property. Facilities shall provide
114 24-hour awake supervision, custody, care, and treatment of
115 residents. Youth assessed and classified for this level of
116 placement require close supervision in a structured residential
117 setting. Placement in programs at this level is prompted by a
118 concern for public safety that outweighs placement in programs at
119 lower commitment levels. The staff at a facility at this
120 commitment level may seclude a child who is a physical threat to
121 himself or herself or others. Mechanical restraint may also be
122 used when necessary. The facility may provide for single cell
123 occupancy.

124 (e) Maximum-risk residential.--Programs or program models
125 at this commitment level include juvenile correctional facilities
126 and juvenile prisons. The programs are long-term residential and
127 do not allow youth to have access to the community. Facilities
128 are maximum-custody, hardware-secure with perimeter security
129 fencing and locking doors. Residential facilities shall have no
130 more than 165 beds each, including campus-style programs, unless
131 those campus-style programs include more than one level of
132 restrictiveness, provide multilevel education and treatment
133 programs using different treatment protocols, and have facilities
134 that co-exist separately in distinct locations on the same
135 property. Facilities shall provide 24-hour awake supervision,



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136 custody, care, and treatment of residents. The staff at a
137 facility at this commitment level may seclude a child who is a
138 physical threat to himself or herself or others. Mechanical
139 restraint may also be used when necessary. The facility shall
140 provide for single cell occupancy, except that youth may be
141 housed together during prerelease transition. Youth assessed and
142 classified for this level of placement require close supervision
143 in a maximum security residential setting. Placement in a program
144 at this level is prompted by a demonstrated need to protect the
145 public.

146 Section 3. This act shall take effect July 1, 2008.

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148 ===== T I T L E A M E N D M E N T =====

149 And the title is amended as follows:

150 Delete everything before the enacting clause
151 and insert:

152 A bill to be entitled
153 An act relating to residential facilities for juvenile
154 offenders; amending s. 985.02, F.S.; expressing the
155 legislative intent that residential facilities for
156 juvenile offenders have no more than 165 beds; providing
157 an exception for campus-style settings that have more than
158 one level of restrictiveness and other conditions;
159 amending s. 985.03, F.S.; redefining the term
160 "restrictiveness level" to require that residential
161 facilities for juvenile offenders in low-risk, moderate-
162 risk, and high-risk offender programs have no more than
163 165 residential beds each; providing an exception for
164 campus-style settings that have more than one level of



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restrictiveness and other conditions; providing an

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effective date.