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1 A bill to be entitled
2 An act relating to residential facilities for juvenile
3 offenders; amending s. 985.02, F.S.; expressing the
4 legislative intent that residential facilities for
5 juvenile offenders have no more than 165 beds; providing
6 an exception for campus-style settings that have more than
7 one level of restrictiveness and other conditions;
8 amending s. 985.03, F.S.; redefining the term
9 "restrictiveness level" to require that residential
10 facilities for juvenile offenders in low-risk, moderate-
11 risk, and high-risk offender programs have no more than
12 165 residential beds each; providing an exception for
13 campus-style settings that have more than one level of
14 restrictiveness and other conditions; providing an
15 effective date.

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

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

21 985.02 Legislative intent for the juvenile justice
22 system.--

23 (6) SITING OF FACILITIES.--

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

29 (b) It is the purpose of the Legislature to guarantee that

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30 such facilities are sited and developed within reasonable
31 timeframes after they are legislatively authorized and
32 appropriated.

33 (c) The Legislature further finds that such facilities must
34 be located in areas of the state close to the home communities of
35 the children they house in order to ensure the most effective
36 rehabilitation efforts and the most intensive postrelease
37 supervision and case management. Residential facilities shall
38 have no more than 165 beds each, including campus-style programs,
39 unless those campus-style programs include more than one level of
40 restrictiveness, provide multilevel education and treatment
41 programs using different treatment protocols, and have facilities
42 that co-exist separately in distinct locations on the same
43 property.

44 (d) It is the intent of the Legislature that all other
45 departments and agencies of the state shall cooperate fully with
46 the Department of Juvenile Justice to accomplish the siting of
47 facilities for juvenile offenders.

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49 The supervision, counseling, rehabilitative treatment, and
50 punitive efforts of the juvenile justice system should avoid the
51 inappropriate use of correctional programs and large
52 institutions. The Legislature finds that detention services
53 should exceed the primary goal of providing safe and secure
54 custody pending adjudication and disposition.

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

57 985.03 Definitions.--As used in this chapter, the term:

58 (44) "Restrictiveness level" means the level of programming

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59 and security provided by programs that service the supervision,
60 custody, care, and treatment needs of committed children.
61 Sections 985.601(10) and 985.721 apply to children placed in
62 programs at any residential commitment level. The restrictiveness
63 levels of commitment are as follows:

64 (a) Minimum-risk nonresidential.--Programs or program
65 models at this commitment level work with youth who remain in the
66 community and participate at least 5 days per week in a day
67 treatment program. Youth assessed and classified for programs at
68 this commitment level represent a minimum risk to themselves and
69 public safety and do not require placement and services in
70 residential settings. Youth in this level have full access to,
71 and reside in, the community. Youth who have been found to have
72 committed delinquent acts that involve firearms, that are sexual
73 offenses, or that would be life felonies or first degree felonies
74 if committed by an adult may not be committed to a program at
75 this level.

76 (b) Low-risk residential.--Programs or program models at
77 this commitment level are residential but may allow youth to have
78 unsupervised access to the community. Residential facilities
79 shall have no more than 165 beds each, including campus-style
80 programs, unless those campus-style programs include more than
81 one level of restrictiveness, provide multilevel education and
82 treatment programs using different treatment protocols, and have
83 facilities that co-exist separately in distinct locations on the
84 same property. Youth assessed and classified for placement in
85 programs at this commitment level represent a low risk to
86 themselves and public safety but do require placement and
87 services in residential settings. Children who have been found to

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88 have committed delinquent acts that involve firearms, delinquent
89 acts that are sexual offenses, or delinquent acts that would be
90 life felonies or first degree felonies if committed by an adult
91 shall not be committed to a program at this level.

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

109 (d) High-risk residential.--Programs or program models at
110 this commitment level are residential and do not allow youth to
111 have access to the community, except that temporary release
112 providing community access for up to 72 continuous hours may be
113 approved by a court for a youth who has made successful progress
114 in his or her program in order for the youth to attend a family
115 emergency or, during the final 60 days of his or her placement,
116 to visit his or her home, enroll in school or a vocational

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117 program, complete a job interview, or participate in a community
118 service project. High-risk residential facilities are hardware-
119 secure with perimeter fencing and locking doors. Residential
120 facilities shall have no more than 165 beds each, including
121 campus-style programs, unless those campus-style programs include
122 more than one level of restrictiveness, provide multilevel
123 education and treatment programs using different treatment
124 protocols, and have facilities that co-exist separately in
125 distinct locations on the same property. Facilities shall provide
126 24-hour awake supervision, custody, care, and treatment of
127 residents. Youth assessed and classified for this level of
128 placement require close supervision in a structured residential
129 setting. Placement in programs at this level is prompted by a
130 concern for public safety that outweighs placement in programs at
131 lower commitment levels. The staff at a facility at this
132 commitment level may seclude a child who is a physical threat to
133 himself or herself or others. Mechanical restraint may also be
134 used when necessary. The facility may provide for single cell
135 occupancy.

136 (e) Maximum-risk residential.--Programs or program models
137 at this commitment level include juvenile correctional facilities
138 and juvenile prisons. The programs are long-term residential and
139 do not allow youth to have access to the community. Facilities
140 are maximum-custody, hardware-secure with perimeter security
141 fencing and locking doors. Residential facilities shall have no
142 more than 165 beds each, including campus-style programs, unless
143 those campus-style programs include more than one level of
144 restrictiveness, provide multilevel education and treatment
145 programs using different treatment protocols, and have facilities

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146 that co-exist separately in distinct locations on the same
147 property. Facilities shall provide 24-hour awake supervision,
148 custody, care, and treatment of residents. The staff at a
149 facility at this commitment level may seclude a child who is a
150 physical threat to himself or herself or others. Mechanical
151 restraint may also be used when necessary. The facility shall
152 provide for single cell occupancy, except that youth may be
153 housed together during prerelease transition. Youth assessed and
154 classified for this level of placement require close supervision
155 in a maximum security residential setting. Placement in a program
156 at this level is prompted by a demonstrated need to protect the
157 public.

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