

CHAPTER 98-282

House Bill No. 4153

An act relating to juvenile justice; amending s. 985.309, F.S.; providing funding for boot camps operated by the department, a county, or municipal government, contingent upon specific appropriation, local funding, or state and local funding; requiring boot camps operated by a sheriff to be under his or her supervisory jurisdiction and authority as determined by a contract between the department and the sheriff; providing for placement of children eligible for boot camp placement in boot camp in or nearest to the judicial circuit in which they were adjudicated; requiring exceptions to a boot camp placement; deleting requirement that the department charge and a county or municipal government pay a monitoring fee; clarifying consequences for a department, county or municipal boot camp failing to comply with department rules for boot camps; deleting authorization by the department to institute injunctive proceedings against a county or municipal boot camp for failing to comply with department rules for boot camps; providing an appropriation to the Eckerd Youth Alternatives program; providing appropriations to specified programs of the Department of Juvenile Justice and the Department of Elderly Affairs; providing an effective date.

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

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

985.309 Boot camp for children.—

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

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

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

(3) A child committed to the department and eligible for placement in a boot camp shall be placed in a boot camp in or nearest to the judicial circuit in which the child was adjudicated, unless such a placement would not be

in the best interest of the child or the boot camp was unable to accept the child.

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

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

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

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

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

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

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

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

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

- a. contracting out for the operation of the boot camp;
- b. initiating appropriate disciplinary action against all employees whose conduct or performance is deemed to have materially contributed to the program's failure to meet department rules;
- c. redesigning the program; or
- d. realigning the program.

~~(10)~~(9) The department shall keep records and monitor criminal activity, educational progress, and employment placement of all boot camp program participants in department, county, and municipal boot camp programs after their release from the program. The department must publish an outcome evaluation study of each boot camp program within 18 months after the fourth platoon has graduated.

~~(11)~~(10) A child in any boot camp program who becomes unmanageable or medically or psychologically ineligible must be removed from the program.

~~(12)~~(11)(a) The department may contract with private organizations for the operation of its boot camp program and aftercare.

(b) A county or municipality may contract with private organizations for the operation of its boot camp program and aftercare.

~~(13)~~(12)(a) The Juvenile Justice Standards and Training Commission shall either establish criteria for training all contract staff or provide a special training program for department, county, and municipal boot camp program staff, which shall include appropriate methods of dealing with children who have been placed in such a stringent program.

(b) Administrative staff must successfully complete a minimum of 120 contact hours of commission-approved training. Staff who have direct contact with children must successfully complete a minimum of 200 contact hours of commission-approved training, which must include training in the counseling techniques that are used in the boot camp program, basic cardiopulmonary resuscitation and choke-relief, and the control of aggression.

(c) All training courses must be taught by persons who are certified as instructors by the Division of Criminal Justice Standards and Training of the Department of Law Enforcement and who have prior experience in a

juvenile boot camp program. A training course in counseling techniques need not be taught by a certified instructor but must be taught by a person who has at least a bachelor's degree in social work, counseling, psychology, or a related field.

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

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

- ~~1. Enforce the provisions of this chapter or a minimum standard, rule, regulation, or order issued or entered pursuant thereto; or~~
- ~~2. Terminate the operation of a facility operated pursuant to this section.~~

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

- ~~1. The facility fails to take preventive or corrective measures in accordance with any order of the department.~~
- ~~2. The facility fails to abide by any final order of the department once it has become effective and binding.~~
- ~~3. The facility commits any violation of this section constituting an emergency requiring immediate action as provided in this chapter.~~
- ~~4. The facility has willfully and knowingly refused to comply with the screening requirement for personnel pursuant to s. 985.01 or has refused to dismiss personnel found to be in noncompliance with the requirements for good moral character.~~

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

Section 2. The sum of \$1,000,000 is appropriated from nonrecurring General Revenue to the Eckerd Youth Alternatives program to match private funds on a dollar for dollar basis. The department shall disburse up to the full amount of this appropriation, depending upon the amount of private matching funds obtained and may not use these funds for any other purpose.

Section 3. This act shall take effect October 1, 1998.

Section 4. A total of \$1,063,900 in nonrecurring General Revenue Funds is appropriated in Special Categories - Grants and Aids - Contracted Services in the Department of Juvenile Justice for D-FY-IT Drug Free Youth in Town, a drug prevention program for youth in schools, and for Miami Love Youth At Risk Program, a prevention program for youth at risk of delinquent behavior, and for Grants in Aid to local governments and nonprofit organizations - Uleta Park Community Center.

Section 5. The sum of \$200,000 is appropriated from the General Revenue Fund to the Department of Elderly Affairs for the provision of essential home health care services to senior citizens in Dade County by United Home Health Care, a not-for-profit corporation. This is a nonrecurring appropriation for fiscal year 1998-1999.

[Editor's Note: Section 5 of chapter 98-282 was vetoed by the Governor on May 27, 1998.]

Section 6. This act shall take effect July 1, 1998.

Became a law without the Governor's approval May 28, 1998.

Filed in Office Secretary of State May 27, 1998.