



**STATE OF FLORIDA
DEPARTMENT OF JUVENILE JUSTICE**

INTEROFFICE MEMORANDUM

DATE: June 25, 2014

TO: Residential Regional Directors
Probation Regional Directors
Chief Probation Officers
Residential Classification and Placement Coordinator
Commitment Chiefs

FROM: Laura Moneyham, Residential Assistant Secretary
Joan M. Wimmer, Probation Assistant Secretary

SUBJECT: Implementation of CS/CS/HB 7055 (Nonsecure Residential Commitment)

As you are probably aware, the Florida Legislature extensively amended portions of Chapter 985 in the above-referenced bill, which has since been signed by the Governor. Among the changes, which will take effect on July 1, is the merging of low- and moderate-risk residential restrictiveness levels into the new "nonsecure residential" level.

The amendment has been summarized as follows:

The bill amends the definition of "restrictiveness level" in s. 985.03(46), F.S., to combine low-risk residential (level 4) and moderate-risk residential (level 6) into one group called "nonsecure residential." This will allow DJJ to place a child whose risk is currently low into a program that caters to children with slightly higher risk levels to ensure that other needs or services the child requires may be fulfilled.

Fla. H.R. Crim. Just., CS/CS/HB 7055 (2014) Staff Analysis 11 (final May 14, 2014).

The Department intends to implement this significant change to its system in a way that will minimize disruption and which is consistent with legislative purpose. Below is information to provide guidance in the implementation of these changes.

- This new, hybrid restrictiveness level is available for all offense categories; the restriction currently applied to low-risk commitments that excludes youths with life felonies, first-degree felonies, sexual offenses or offenses involving firearms, is not retained.

2737 Centerview Drive • Tallahassee, Florida 32399-3100 • (850) 488-1850

Rick Scott, Governor

Wansley Walters, Secretary

The mission of the Department of Juvenile Justice is to increase public safety by reducing juvenile delinquency through effective prevention, intervention, and treatment services that strengthen families and turn around the lives of troubled youth.

- As of July 1, programs that are currently designated low-risk (level 4) and moderate-risk (level 6) will all be referenced and classified as “nonsecure residential.” For any disposition that is scheduled to occur after June 30th, the recommendation made to the Court needs to use the nonsecure classification.
- Courts need to be advised that any dispositions after July 1st that references “low” or “moderate” risk will be considered by the Department to be “nonsecure” for placement purposes.
- The range for the average length of stay for the nonsecure will be 3-9 months, which encompasses both current low and moderate ranges. **It is important to remember that the length of stay is based on the youth’s progress and completion of his/her treatment goals – not a fixed timeframe.**
- Non-statutory programming distinctions will be retained after the July 1 effective date. For example, an existing moderate-risk program that focuses on mental health treatment will now be designated as nonsecure, but will continue to focus on mental health. Similarly, an existing low-risk program specializing in substance abuse treatment will now be nonsecure and provide these services. The Department will continue to provide an array of programming to meet a wide variety of treatment needs within nonsecure programs.
- There was a change impacting access to the community for nonsecure placements. The new nonsecure level requires all access to the community be supervised. However, the statute does still provide for “temporary release” from a nonsecure program with the approval of the court.
- The use of detention for youth awaiting placement in a nonsecure program follows what was previously allowed for moderate risk placements.

The new statute will expand placement options as it removes what were essentially artificial barriers excluding youths from available treatment. Should you have any questions regarding the Department’s implementation, please send them to DJJ Residential Classification and Placement Coordinator, Mitchell McCarthy at michell.mccarthy@djj.state.fl.us and she will coordinate with the appropriate staff to obtain answers and disseminate them to you.

CC: Brian Berkowitz, General Counsel