

By Senator Meadows

30-1180-98

1                                   A bill to be entitled  
2           An act relating to juvenile justice; amending  
3           s. 121.021, F.S.; redefining the term "special  
4           risk member" of the Florida Retirement System  
5           to include certain juvenile justice direct care  
6           workers; amending s. 121.0515, F.S.; extending  
7           membership in the Special Risk Class of the  
8           Florida Retirement System to juvenile justice  
9           direct care workers; amending s. 985.406, F.S.;  
10          prescribing minimum qualifications for  
11          Department of Juvenile Justice direct care  
12          staff and providers; providing an effective  
13          date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

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17           Section 1. Paragraph (b) of subsection (15) of section  
18          121.021, Florida Statutes, is amended to read:

19           121.021 Definitions.--The following words and phrases  
20          as used in this chapter have the respective meanings set forth  
21          unless a different meaning is plainly required by the context:

22           (15)

23           (b) Effective October 1, 1978, "special risk member"  
24          means a member of the Florida Retirement System who is  
25          designated as a special risk member by the division in  
26          accordance with s. 121.0515. Such member must be employed as  
27          a law enforcement officer, a firefighter, or a correctional  
28          officer and must meet certain other special criteria as set  
29          forth in s. 121.0515. Effective October 1, 1998, the term  
30          "special risk member" includes a juvenile justice direct care  
31          worker who meets the criteria in s. 121.0515(2)(d).

1           Section 2. Subsection (2) of section 121.0515, Florida  
2 Statutes, is amended to read:

3           121.0515 Special risk membership; criteria;  
4 designation and removal of classification; credits for past  
5 service and prior service; retention of special risk normal  
6 retirement date.--

7           (2) CRITERIA.--A member, to be designated as a special  
8 risk member, must meet the following criteria:

9           (a) The member must be employed as a law enforcement  
10 officer and be certified, or required to be certified, in  
11 compliance with s. 943.1395; however, sheriffs and elected  
12 police chiefs shall be excluded from meeting the certification  
13 requirements of this paragraph. In addition, the member's  
14 duties and responsibilities must include the pursuit,  
15 apprehension, and arrest of law violators or suspected law  
16 violators; or the member must be an active member of a bomb  
17 disposal unit whose primary responsibility is the location,  
18 handling, and disposal of explosive devices; or the member  
19 must be the supervisor or command officer of a member or  
20 members who have such responsibilities; provided, however,  
21 administrative support personnel, including, but not limited  
22 to, those whose primary duties and responsibilities are in  
23 accounting, purchasing, legal, and personnel, shall not be  
24 included;

25           (b) The member must be employed as a firefighter and  
26 be certified, or required to be certified, in compliance with  
27 s. 633.35 and be employed solely within the fire department of  
28 the employer or agency of state government. In addition, the  
29 member's duties and responsibilities must include on-the-scene  
30 fighting of fires or direct supervision of firefighting units,  
31 or the member must be the supervisor or command officer of a

1 member or members who have such responsibilities; provided,  
2 however, administrative support personnel, including, but not  
3 limited to, those whose primary duties and responsibilities  
4 are in accounting, purchasing, legal, and personnel, shall not  
5 be included; ~~or~~

6 (c) The member must be employed as a correctional  
7 officer and be certified, or required to be certified, in  
8 compliance with s. 943.1395. In addition, the member's  
9 primary duties and responsibilities must be the custody, and  
10 physical restraint when necessary, of prisoners or inmates  
11 within a prison, jail, or other criminal detention facility,  
12 or while on work detail outside the facility, or while being  
13 transported; or the member must be the supervisor or command  
14 officer of a member or members who have such responsibilities;  
15 provided, however, administrative support personnel,  
16 including, but not limited to, those whose primary duties and  
17 responsibilities are in accounting, purchasing, legal, and  
18 personnel, shall not be included; however, superintendents and  
19 assistant superintendents shall participate in the Special  
20 Risk Class; ~~or~~

21 (d) The member must be employed as a juvenile justice  
22 direct care worker and meet the qualifications enumerated in  
23 s. 985.406(3). In addition, the member's primary duties and  
24 responsibilities must be the custody, and physical restraint  
25 when necessary, of juvenile offenders within a juvenile  
26 justice detention facility or residential commitment facility  
27 while on work detail outside the facility, or while being  
28 transported; or the member must be the supervisor of a member  
29 or members who have such responsibilities. Administrative  
30 support personnel, including, but not limited to, those whose  
31 primary duties and responsibilities are in accounting,

1 purchasing, legal, and personnel, shall not be included in the  
2 Special Risk Class; however, superintendents and assistant  
3 superintendents shall participate in the Special Risk Class.

4 Section 3. Subsection (3) of section 985.406, Florida  
5 Statutes, is amended to read:

6 985.406 Juvenile justice training academies  
7 established; Juvenile Justice Standards and Training  
8 Commission created; Juvenile Justice Training Trust Fund  
9 created.--

10 (3) JUVENILE JUSTICE TRAINING PROGRAM.--The commission  
11 shall establish a program for juvenile justice training  
12 pursuant to the provisions of this section, and all Department  
13 of Juvenile Justice program staff and providers who deliver  
14 direct care services pursuant to contract with the department  
15 shall be required to participate in and successfully complete  
16 the commission-approved program of training pertinent to their  
17 areas of responsibility. Judges, state attorneys, and public  
18 defenders, law enforcement officers, and school district  
19 personnel may participate in such training program. For the  
20 juvenile justice program staff, the commission shall, based on  
21 a job-task analysis:

22 (a) Design, implement, maintain, evaluate, and revise  
23 a basic training program, including a competency-based  
24 ~~curriculum-based~~ examination, for the purpose of providing  
25 minimum employment training qualifications for all juvenile  
26 justice personnel. All Department of Juvenile Justice program  
27 staff and providers who deliver direct care services and who  
28 are hired on or after October 1, 1998, must:

- 29 1. Be at least 19 years of age.  
30 2. Be a citizen of the United States, notwithstanding  
31 any law of the state to the contrary.

1           3. Be a high school graduate or its "equivalent" as  
2 the term is determined by the commission.

3           4. Not have been convicted of any felony or of a  
4 misdemeanor involving perjury or a false statement, or have  
5 received a dishonorable discharge from any of the Armed Forces  
6 of the United States. Any person who, after September 30,  
7 1998, pleads guilty or nolo contendere to or is found guilty  
8 of any felony or of a misdemeanor involving perjury or false  
9 statement is not eligible for employment, notwithstanding  
10 suspension of sentence or withholding adjudication.

11 Notwithstanding this subparagraph, any person who has pled  
12 nolo contendere to a misdemeanor involving a false statement  
13 before October 1, 1998, and has had the record of that plea  
14 sealed or expunged is not ineligible for employment for that  
15 reason.

16           5. Abide by all the provisions of s. 985.01(2)  
17 regarding fingerprinting and background investigations and  
18 other personnel screening requirements.

19           6. Have passed a physical exam by a licensed  
20 physician, based on specifications established by the  
21 department, which shall include preemployment drug screening  
22 and testing.

23           7. Execute and submit to the department an  
24 affidavit-of-application form, adopted by the department,  
25 attesting to his or her compliance with subparagraphs 1.-6.  
26 The affidavit shall be executed under oath and constitutes an  
27 official statement within the purview of s. 837.06. The  
28 affidavit shall include conspicuous language that the  
29 intentional false execution of the affidavit constitutes a  
30 misdemeanor of the second degree. The affidavit shall be  
31 retained by the employing agency.

1           8. Complete a commission-approved basic training  
2 program for the applicable juvenile justice responsibilities.

3           9. Achieve an acceptable score on the certification  
4 examination for the applicable juvenile justice  
5 responsibilities.

6           (b) Design, implement, maintain, evaluate, and revise  
7 an advanced training program, including a competency-based  
8 ~~curriculum-based~~ examination for each training course, which  
9 is intended to enhance knowledge, skills, and abilities  
10 related to job performance.

11           (c) Design, implement, maintain, evaluate, and revise  
12 a career development training program, including a  
13 competency-based ~~curriculum-based~~ examination for each  
14 training course. Career development courses are intended to  
15 prepare personnel for promotion.

16           (d) The commission is encouraged to design, implement,  
17 maintain, evaluate, and revise juvenile justice training  
18 courses, or to enter into contracts for such training courses,  
19 that are intended to provide for the safety and well-being of  
20 both citizens and juvenile offenders.

21           Section 4. This act shall take effect October 1, 1998.

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24           SENATE SUMMARY

25           Provides minimum qualifications that must be met by  
26 persons employed as juvenile justice direct care workers  
and staff after October 1, 1998. Includes direct care  
27 workers who meet those qualifications in the Special Risk  
Class of the Florida Retirement System. Provides that  
28 examinations for determining qualification be  
competency-based.