

By Representative Westbrook

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:

16
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 of the
22 year in which enacted.

23
24 *****

25 SENATE SUMMARY

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