

1 A bill to be entitled
2 An act relating to juvenile justice; amending s. 394.492,
3 F.S.; including children 9 years of age or younger at the
4 time of referral for a delinquent act within the
5 definition of those children who are eligible to receive
6 comprehensive mental health services; amending s. 435.04,
7 F.S., relating to level 2 screening standards; correcting
8 a cross-reference; amending s. 984.03, F.S.; expanding the
9 meaning of the term "child in need of services" to include
10 a child 9 years of age or younger at the time of referral
11 to the Department of Juvenile Justice; amending s. 985.02,
12 F.S.; providing additional legislative findings and
13 intent; amending s. 985.03, F.S.; redefining the term
14 "child in need of services" to provide that a child is
15 eligible to receive comprehensive services if the child is
16 9 years of age or younger at the time of referral to the
17 department; defining the term "ordinary medical care in
18 department facilities and programs"; amending s. 985.125,
19 F.S.; encouraging law enforcement agencies, school
20 districts, counties, municipalities, and the Department of
21 Juvenile Justice to establish prearrest or postarrest
22 diversion programs for first-time misdemeanor offenders
23 and offenders who are 9 years of age or younger; amending
24 s. 985.441, F.S.; providing that a court may commit a
25 female child adjudicated as delinquent to the department
26 for placement in a mother-infant program designed to serve
27 the needs of the juvenile mothers or expectant juvenile
28 mothers who are committed as delinquents; requiring the

29 department to adopt rules to govern the operation of the
30 mother-infant program; amending s. 985.601, F.S.;
31 requiring that the department adopt rules to ensure the
32 effective delivery of services to children in the care and
33 custody of the department; requiring the department to
34 coordinate its rule-adoption process with the Department
35 of Children and Family Services and the Agency for Persons
36 with Disabilities; amending s. 985.644, F.S.; deleting
37 authorization for the Department of Children and Family
38 Services to contract for certain services; eliminating the
39 exemption from background screening previously granted to
40 a volunteer who assists on an intermittent basis for less
41 than 40 hours per month in programs serving children if
42 the volunteer was under direct and constant supervision by
43 persons who meet the screening requirements; amending s.
44 985.66, F.S.; eliminating the Juvenile Justice Standards
45 and Training Commission; providing that the department
46 rather than the commission is responsible for delinquency
47 program staff development and training; detailing the
48 minimum qualifications for delinquency program staff of
49 the department and contract providers who deliver direct-
50 care services to children; defining the term "delinquency
51 program staff"; amending s. 985.48, F.S.; conforming a
52 provision to the termination of the Juvenile Justice
53 Standards and Training Commission; amending s. 985.721,
54 F.S.; conforming a cross-reference to changes made by the
55 act; providing an effective date.
56

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

58

59 Section 1. Paragraph (i) is added to subsection (4) of
60 section 394.492, Florida Statutes, to read:

61 394.492 Definitions.--As used in ss. 394.490-394.497, the
62 term:

63 (4) "Child or adolescent at risk of emotional disturbance"
64 means a person under 18 years of age who has an increased
65 likelihood of becoming emotionally disturbed because of risk
66 factors that include, but are not limited to:

67 (i) Being 9 years of age or younger at the time of
68 referral for a delinquent act.

69 Section 2. Paragraph (b) of subsection (4) of section
70 435.04, Florida Statutes, is amended to read:

71 435.04 Level 2 screening standards.--

72 (4) Standards must also ensure that the person:

73 (b) Has not committed an act that constitutes domestic
74 violence as defined in s. 741.28 ~~741.30~~.

75 Section 3. Subsection (9) of section 984.03, Florida
76 Statutes, is amended to read:

77 984.03 Definitions.--When used in this chapter, the term:

78 (9) "Child in need of services" means a child for whom
79 there is no pending investigation into an allegation or
80 suspicion of abuse, neglect, or abandonment; no pending referral
81 alleging that the child is delinquent, except if the child is 9
82 years of age or younger at the time of referral to the
83 department; or no current supervision by the department ~~of~~
84 ~~Juvenile Justice~~ or the Department of Children and Family

85 Services for an adjudication of dependency or delinquency. The
 86 child must also, pursuant to this chapter, be found by the
 87 court:

88 (a) To have persistently run away from the child's parents
 89 or legal custodians despite reasonable efforts of the child, the
 90 parents or legal custodians, and appropriate agencies to remedy
 91 the conditions contributing to the behavior. Reasonable efforts
 92 shall include voluntary participation by the child's parents or
 93 legal custodians and the child in family mediation, services,
 94 and treatment offered by the department ~~of Juvenile Justice~~ or
 95 the Department of Children and Family Services;

96 (b) To be habitually truant from school, while subject to
 97 compulsory school attendance, despite reasonable efforts to
 98 remedy the situation pursuant to ss. 1003.26 and 1003.27 and
 99 through voluntary participation by the child's parents or legal
 100 custodians and by the child in family mediation, services, and
 101 treatment offered by the department ~~of Juvenile Justice~~ or the
 102 Department of Children and Family Services; ~~or~~

103 (c) To have persistently disobeyed the reasonable and
 104 lawful demands of the child's parents or legal custodians, and
 105 to be beyond their control despite efforts by the child's
 106 parents or legal custodians and appropriate agencies to remedy
 107 the conditions contributing to the behavior. Reasonable efforts
 108 may include such things as good faith participation in family or
 109 individual counseling; or-

110 (d) To be 9 years of age or younger and have been referred
 111 to the department for committing a delinquent act.

112 Section 4. Subsection (9) is added to section 985.02,

113 Florida Statutes, to read:

114 985.02 Legislative intent for the juvenile justice
115 system.--

116 (9) CHILDREN 9 YEARS OF AGE OR YOUNGER.--The Legislature
117 finds that very young children need age-appropriate services in
118 order to prevent and reduce future acts of delinquency. Children
119 who are 9 years of age or younger who have been determined by
120 the court to pose no danger to the community and are unlikely to
121 recidivate should be diverted into prearrest or postarrest
122 programs, civil citation programs, or children-in-need-of-
123 services and families-in-need-of-services programs, as
124 appropriate. If, following a needs assessment, the child is
125 found to be in need of mental health services or substance abuse
126 treatment services, the department shall cooperate with the
127 Department of Children and Family Services to provide the most
128 appropriate services for the child.

129 Section 5. Subsection (7) of section 985.03, Florida
130 Statutes, is amended, present subsections (39) through (57) are
131 redesignated as subsections (40) through (58), respectively, and
132 a new subsection (39) is added to that section, to read:

133 985.03 Definitions.--As used in this chapter, the term:

134 (7) "Child in need of services" means a child for whom
135 there is no pending investigation into an allegation or
136 suspicion of abuse, neglect, or abandonment; no pending referral
137 alleging that the child is delinquent, except if the child is 9
138 years of age or younger at the time of referral to the
139 department; or no current supervision by the department or the
140 Department of Children and Family Services for an adjudication

141 of dependency or delinquency. The child must also, under this
 142 chapter, be found by the court:

143 (a) To have persistently run away from the child's parents
 144 or legal custodians despite reasonable efforts of the child, the
 145 parents or legal custodians, and appropriate agencies to remedy
 146 the conditions contributing to the behavior. Reasonable efforts
 147 shall include voluntary participation by the child's parents or
 148 legal custodians and the child in family mediation, services,
 149 and treatment offered by the department or the Department of
 150 Children and Family Services;

151 (b) To be habitually truant from school, while subject to
 152 compulsory school attendance, despite reasonable efforts to
 153 remedy the situation under ss. 1003.26 and 1003.27 and through
 154 voluntary participation by the child's parents or legal
 155 custodians and by the child in family mediation, services, and
 156 treatment offered by the department ~~of Juvenile Justice~~ or the
 157 Department of Children and Family Services; ~~or~~

158 (c) To have persistently disobeyed the reasonable and
 159 lawful demands of the child's parents or legal custodians, and
 160 to be beyond their control despite efforts by the child's
 161 parents or legal custodians and appropriate agencies to remedy
 162 the conditions contributing to the behavior. Reasonable efforts
 163 may include such things as good faith participation in family or
 164 individual counseling; or-

165 (d) To have been referred for a delinquent act at the age
 166 of 9 years or younger.

167 (39) "Ordinary medical care in department facilities and
 168 programs" means medical procedures that are administered or

169 performed on a routine basis and include, but are not limited
 170 to, inoculations, physical examinations, remedial treatment for
 171 minor illnesses and injuries, preventive services, medication
 172 management, chronic disease detection and treatment, and other
 173 medical procedures that are administered or performed on a
 174 routine basis and that do not involve hospitalization, surgery,
 175 or use of general anesthesia.

176 Section 6. Subsection (1) of section 985.125, Florida
 177 Statutes, is amended to read:

178 985.125 Prearrest or postarrest diversion programs.--

179 (1) A law enforcement agency, ~~or~~ school district, county,
 180 municipality, or the department, in cooperation with the state
 181 attorney, is encouraged to may establish a prearrest or
 182 postarrest diversion programs for first-time misdemeanor
 183 offenders and offenders who are 9 years of age or younger
 184 program.

185 Section 7. Paragraph (e) is added to subsection (1) of
 186 section 985.441, Florida Statutes, to read:

187 985.441 Commitment.--

188 (1) The court that has jurisdiction of an adjudicated
 189 delinquent child may, by an order stating the facts upon which a
 190 determination of a sanction and rehabilitative program was made
 191 at the disposition hearing:

192 (e) Commit the child to the department for placement in a
 193 mother-infant program designed to serve the needs of the
 194 juvenile mothers or expectant juvenile mothers who are committed
 195 as delinquents. The department's mother-infant program must be
 196 licensed as a child care facility in accordance with s. 402.308

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197 and must provide the services and support necessary to enable
198 the committed juvenile mothers to provide for the needs of their
199 infants who, upon agreement of the mother, may accompany them in
200 the program. The department shall adopt rules to govern the
201 operation of such programs.

202 Section 8. Subsection (2) of section 985.601, Florida
203 Statutes, is amended to read:

204 985.601 Administering the juvenile justice continuum.--

205 (2) (a) The department shall develop and implement an
206 appropriate continuum of care that provides individualized,
207 multidisciplinary assessments, objective evaluations of relative
208 risks, and the matching of needs with placements for all
209 children under its care, and that uses a system of case
210 management to facilitate each child being appropriately
211 assessed, provided with services, and placed in a program that
212 meets the child's needs.

213 (b) The department shall adopt rules to ensure the
214 effective delivery of services to children in the department's
215 care and custody. The rules must address the delivery of:

216 1. Ordinary medical care in department facilities and
217 programs;

218 2. Mental health services in department facilities and
219 programs;

220 3. Substance abuse treatment services in department
221 facilities and programs; and

222 4. Services to children with developmental disabilities in
223 department facilities and programs.

224

225 The department shall coordinate its rulemaking with the
 226 Department of Children and Family Services and the Agency for
 227 Persons with Disabilities to ensure that the rules adopted under
 228 this section do not encroach upon the substantive jurisdiction
 229 of those agencies. The department shall include the above-
 230 mentioned entities in the rulemaking process, as appropriate.

231 Section 9. Section 985.644, Florida Statutes, is amended
 232 to read:

233 985.644 Departmental contracting powers; personnel
 234 standards and screening.--

235 (1) ~~The department of Juvenile Justice or the Department~~
 236 ~~of Children and Family Services, as appropriate,~~ may contract
 237 with the Federal Government, other state departments and
 238 agencies, county and municipal governments and agencies, public
 239 and private agencies, and private individuals and corporations
 240 in carrying out the purposes of, and the responsibilities
 241 established in, this chapter.

242 (a) When the department ~~of Juvenile Justice or the~~
 243 ~~Department of Children and Family Services~~ contracts with a
 244 provider for any program for children, all personnel, including
 245 owners, operators, employees, and volunteers, in the facility
 246 must be of good moral character. Each contract entered into by
 247 either department for services delivered on an appointment or
 248 intermittent basis by a provider that does not have regular
 249 custodial responsibility for children and each contract with a
 250 school for before or aftercare services must ensure that the
 251 owners, operators, and all personnel who have direct contact
 252 with children are of good moral character. ~~A volunteer who~~

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253 ~~assists on an intermittent basis for less than 40 hours per~~
254 ~~month need not be screened if the volunteer is under direct and~~
255 ~~constant supervision by persons who meet the screening~~
256 ~~requirements.~~

257 (b) ~~The department of Juvenile Justice and the Department~~
258 ~~of Children and Family Services~~ shall require employment
259 screening pursuant to chapter 435, using the level 2 standards
260 set forth in that chapter for personnel in programs for children
261 or youths.

262 (c) ~~The department of Juvenile Justice or the Department~~
263 ~~of Children and Family Services~~ may grant exemptions from
264 disqualification from working with children as provided in s.
265 435.07.

266 (2) The department may contract with the Federal
267 Government, other state departments and agencies, county and
268 municipal governments and agencies, public and private agencies,
269 and private individuals and corporations in carrying out the
270 purposes and the responsibilities of the delinquency services
271 and programs of the department.

272 (3) The department shall adopt a rule pursuant to chapter
273 120 establishing a procedure to provide notice of policy changes
274 that affect contracted delinquency services and programs. A
275 policy is defined as an operational requirement that applies to
276 only the specified contracted delinquency service or program.
277 The procedure shall include:

278 (a) Public notice of policy development.

279 (b) Opportunity for public comment on the proposed policy.

280 (c) Assessment for fiscal impact upon the department and

281 providers.

282 (d) The department's response to comments received.

283 ~~(4) When the department contracts with a provider for any~~
 284 ~~delinquency service or program, all personnel, including all~~
 285 ~~owners, operators, employees, and volunteers in the facility or~~
 286 ~~providing the service or program shall be of good moral~~
 287 ~~character. A volunteer who assists on an intermittent basis for~~
 288 ~~less than 40 hours per month is not required to be screened if~~
 289 ~~the volunteer is under direct and constant supervision by~~
 290 ~~persons who meet the screening requirements.~~

291 (4) ~~(5)~~ (a) For any person employed by the department, or by
 292 a provider under contract with the department, in delinquency
 293 facilities, services, or programs, the department shall require:

294 1. A level 2 employment screening pursuant to chapter 435
 295 prior to employment.

296 2. A federal criminal records check by the Federal Bureau
 297 of Investigation every 5 years following the date of the
 298 person's employment.

299 (b) Except for law enforcement, correctional, and
 300 correctional probation officers, to whom s. 943.13(5) applies,
 301 the department shall electronically submit to the Department of
 302 Law Enforcement:

303 1. Fingerprint information obtained during the employment
 304 screening required by subparagraph (a)1.

305 2. ~~Beginning on December 15, 2005,~~ Fingerprint information
 306 for all persons employed by the department, or by a provider
 307 under contract with the department, in delinquency facilities,
 308 services, or programs if such fingerprint information has not

309 | previously been electronically submitted to the Department of
310 | Law Enforcement under this paragraph.

311 | (c) All fingerprint information electronically submitted
312 | to the Department of Law Enforcement under paragraph (b) shall
313 | be retained by the Department of Law Enforcement and entered
314 | into the statewide automated fingerprint identification system
315 | authorized by s. 943.05(2)(b). Thereafter, such fingerprint
316 | information shall be available for all purposes and uses
317 | authorized for arrest fingerprint information entered into the
318 | statewide automated fingerprint identification system pursuant
319 | to s. 943.051 until the fingerprint information is removed
320 | pursuant to paragraph (e). The Department of Law Enforcement
321 | shall search all arrest fingerprint information received
322 | pursuant to s. 943.051 against the fingerprint information
323 | entered into the statewide automated fingerprint system pursuant
324 | to this subsection. Any arrest records identified as a result of
325 | the search shall be reported to the department in the manner and
326 | timeframe established by the Department of Law Enforcement by
327 | rule.

328 | (d) The department shall pay an annual fee to the
329 | Department of Law Enforcement for its costs resulting from the
330 | fingerprint information retention services required by this
331 | subsection. The amount of the annual fee and procedures for the
332 | submission and retention of fingerprint information and for the
333 | dissemination of search results shall be established by the
334 | Department of Law Enforcement by a rule that is applicable to
335 | the department individually pursuant to this subsection or that
336 | is applicable to the department and other employing agencies

337 pursuant to rulemaking authority otherwise provided by law.

338 (e) The department shall notify the Department of Law
 339 Enforcement when a person whose fingerprint information is
 340 retained by the Department of Law Enforcement under this
 341 subsection is no longer employed by the department, or by a
 342 provider under contract with the department, in a delinquency
 343 facility, service, or program. This notice shall be provided by
 344 the department to the Department of Law Enforcement no later
 345 than 6 months after the date of the change in the person's
 346 employment status. Fingerprint information for persons
 347 identified by the department in the notice shall be removed from
 348 the statewide automated fingerprint system.

349 ~~(5)(6)~~ The department may grant exemptions from
 350 disqualification from working with children as provided in s.
 351 435.07.

352 Section 10. Section 985.66, Florida Statutes, is amended
 353 to read:

354 985.66 Juvenile justice training academies; staff
 355 development and training ~~Juvenile Justice Standards and Training~~
 356 ~~Commission~~; Juvenile Justice Training Trust Fund.--

357 (1) LEGISLATIVE PURPOSE.--In order to enable the state to
 358 provide a systematic approach to staff development and training
 359 for judges, state attorneys, public defenders, law enforcement
 360 officers, school district personnel, and delinquency ~~juvenile~~
 361 ~~justice~~ program staff that will meet the needs of such persons
 362 in their discharge of duties while at the same time meeting the
 363 requirements for the American Correction Association
 364 accreditation by the Commission on Accreditation for

365 Corrections, it is the purpose of the Legislature to require the
 366 department to establish, maintain, and oversee the operation of
 367 juvenile justice training academies in the state. The purpose of
 368 the Legislature in establishing staff development and training
 369 programs is to foster better staff morale and reduce
 370 mistreatment and aggressive and abusive behavior in delinquency
 371 programs; to positively impact the recidivism of children in the
 372 juvenile justice system; and to afford greater protection of the
 373 public through an improved level of services delivered by a
 374 professionally trained delinquency ~~juvenile justice~~ program
 375 staff to children who are alleged to be or who have been found
 376 to be delinquent.

377 (2) STAFF DEVELOPMENT AND TRAINING ~~JUVENILE JUSTICE~~
 378 ~~STANDARDS AND TRAINING COMMISSION.~~ --

379 ~~(a) There is created under the Department of Juvenile~~
 380 ~~Justice the Juvenile Justice Standards and Training Commission,~~
 381 ~~hereinafter referred to as the commission. The 17 member~~
 382 ~~commission shall consist of the Attorney General or designee,~~
 383 ~~the Commissioner of Education or designee, a member of the~~
 384 ~~juvenile court judiciary to be appointed by the Chief Justice of~~
 385 ~~the Supreme Court, and 14 members to be appointed by the~~
 386 ~~Secretary of Juvenile Justice as follows:~~

- 387 1. ~~Seven members shall be juvenile justice professionals:~~
 388 ~~a superintendent or a direct care staff member from an~~
 389 ~~institution; a director from a contracted community based~~
 390 ~~program; a superintendent and a direct care staff member from a~~
 391 ~~regional detention center or facility; a juvenile probation~~
 392 ~~officer supervisor and a juvenile probation officer; and a~~

393 ~~director of a day treatment or conditional release program. No~~
 394 ~~fewer than three of these members shall be contract providers.~~

395 ~~2. Two members shall be representatives of local law~~
 396 ~~enforcement agencies.~~

397 ~~3. One member shall be an educator from the state's~~
 398 ~~university and community college program of criminology,~~
 399 ~~criminal justice administration, social work, psychology,~~
 400 ~~sociology, or other field of study pertinent to the training of~~
 401 ~~juvenile justice program staff.~~

402 ~~4. One member shall be a member of the public.~~

403 ~~5. One member shall be a state attorney, or assistant~~
 404 ~~state attorney, who has juvenile court experience.~~

405 ~~6. One member shall be a public defender, or assistant~~
 406 ~~public defender, who has juvenile court experience.~~

407 ~~7. One member shall be a representative of the business~~
 408 ~~community.~~

409
 410 ~~All appointed members shall be appointed to serve terms of 2~~
 411 ~~years.~~

412 ~~(b) The composition of the commission shall be broadly~~
 413 ~~reflective of the public and shall include minorities and women.~~
 414 ~~The term "minorities" as used in this paragraph means a member~~
 415 ~~of a socially or economically disadvantaged group that includes~~
 416 ~~blacks, Hispanics, and American Indians.~~

417 ~~(c) The Department of Juvenile Justice shall provide the~~
 418 ~~commission with staff necessary to assist the commission in the~~
 419 ~~performance of its duties.~~

420 ~~(d) The commission shall annually elect its chairperson~~

421 ~~and other officers. The commission shall hold at least four~~
422 ~~regular meetings each year at the call of the chairperson or~~
423 ~~upon the written request of three members of the commission. A~~
424 ~~majority of the members of the commission constitutes a quorum.~~
425 ~~Members of the commission shall serve without compensation but~~
426 ~~are entitled to be reimbursed for per diem and travel expenses~~
427 ~~as provided by s. 112.061 and these expenses shall be paid from~~
428 ~~the Juvenile Justice Training Trust Fund.~~

429 ~~(e) The department powers, duties, and functions of the~~
430 ~~commission shall be to:~~

431 ~~(a)1.~~ Designate the location of the training academies;
432 develop, implement, maintain, and update the curriculum to be
433 used in the training of delinquency ~~juvenile justice~~ program
434 staff; establish timeframes for participation in and completion
435 of training by delinquency ~~juvenile justice~~ program staff;
436 develop, implement, maintain, and update job-related
437 examinations; develop, implement, and update the types and
438 frequencies of evaluations of the training academies; approve,
439 modify, or disapprove the budget for the training academies, and
440 the contractor to be selected to organize and operate the
441 training academies and to provide the training curriculum.

442 ~~(b)2.~~ Establish uniform minimum job-related training
443 courses and examinations for delinquency ~~juvenile justice~~
444 program staff.

445 ~~(c)3.~~ Consult and cooperate with the state or any
446 political subdivision; any private entity or contractor; and
447 with private and public universities, colleges, community
448 colleges, and other educational institutions concerning the

449 development of juvenile justice training and programs or courses
 450 of instruction, including, but not limited to, education and
 451 training in the areas of juvenile justice.

452 ~~(d) 4. Enter into~~ With the approval of the department, make
 453 ~~and enter into such~~ contracts and agreements with other
 454 agencies, organizations, associations, corporations,
 455 individuals, or federal agencies as ~~the commission determines~~
 456 ~~are~~ necessary in the execution of the its powers of the
 457 department or the performance of its duties.

458 ~~5. Make recommendations to the Department of Juvenile~~
 459 ~~Justice concerning any matter within the purview of this~~
 460 ~~section.~~

461 (3) JUVENILE JUSTICE TRAINING PROGRAM.--The department
 462 ~~commission~~ shall establish a certifiable program for juvenile
 463 justice training pursuant to this section, and all delinquency
 464 ~~department~~ program staff ~~and providers~~ who deliver direct care
 465 services ~~pursuant to contract with the department~~ shall be
 466 required to participate in and successfully complete the
 467 department-approved ~~commission-approved~~ program of training
 468 pertinent to their areas of responsibility. Judges, state
 469 attorneys, and public defenders, law enforcement officers, and
 470 school district personnel may participate in such training
 471 program. For the delinquency ~~juvenile justice~~ program staff, the
 472 department ~~commission~~ shall, based on a job-task analysis:

473 (a) Design, implement, maintain, evaluate, and revise a
 474 basic training program, including a competency-based
 475 examination, for the purpose of providing minimum employment
 476 training qualifications for all delinquency program staff

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477 ~~juvenile justice personnel~~. All program staff of the department
478 and providers who deliver direct-care services who are hired
479 after October 1, 1999, must meet the following minimum
480 requirements:

481 1. Be at least 19 years of age.

482 2. Be a high school graduate or its equivalent as
483 determined by the department ~~commission~~.

484 3. Not have been convicted of any felony or a misdemeanor
485 involving perjury or a false statement, or have received a
486 dishonorable discharge from any of the Armed Forces of the
487 United States. Any person who, after September 30, 1999, pleads
488 guilty or nolo contendere to or is found guilty of any felony or
489 a misdemeanor involving perjury or false statement is not
490 eligible for employment, notwithstanding suspension of sentence
491 or withholding of adjudication. Notwithstanding this
492 subparagraph, any person who pled nolo contendere to a
493 misdemeanor involving a false statement before October 1, 1999,
494 and who has had such record of that plea sealed or expunged is
495 not ineligible for employment for that reason.

496 4. Abide by all the provisions of s. 985.644(1) regarding
497 fingerprinting and background investigations and other screening
498 requirements for personnel.

499 5. Execute and submit to the department an affidavit-of-
500 application form, adopted by the department, attesting to his or
501 her compliance with subparagraphs 1.-4. The affidavit must be
502 executed under oath and constitutes an official statement under
503 s. 837.06. The affidavit must include conspicuous language that
504 the intentional false execution of the affidavit constitutes a

505 | misdemeanor of the second degree. The employing agency shall
 506 | retain the affidavit.

507 | (b) Design, implement, maintain, evaluate, and revise an
 508 | advanced training program, including a competency-based
 509 | examination for each training course, which is intended to
 510 | enhance knowledge, skills, and abilities related to job
 511 | performance.

512 | (c) Design, implement, maintain, evaluate, and revise a
 513 | career development training program, including a competency-
 514 | based examination for each training course. Career development
 515 | courses are intended to prepare personnel for promotion.

516 | (d) The department ~~commission~~ is encouraged to design,
 517 | implement, maintain, evaluate, and revise juvenile justice
 518 | training courses, or to enter into contracts for such training
 519 | courses, that are intended to provide for the safety and well-
 520 | being of both citizens and juvenile offenders.

521 | (4) JUVENILE JUSTICE TRAINING TRUST FUND.--

522 | (a) There is created within the State Treasury a Juvenile
 523 | Justice Training Trust Fund to be used by the Department of
 524 | Juvenile Justice for the purpose of funding the development and
 525 | updating of a job-task analysis of delinquency program staff
 526 | ~~juvenile justice personnel~~; the development, implementation, and
 527 | updating of job-related training courses and examinations; and
 528 | the cost of ~~commission-approved~~ juvenile justice training
 529 | ~~courses; and reimbursement for expenses as provided in s.~~
 530 | ~~112.061 for members of the commission and staff.~~

531 | (b) One dollar from every noncriminal traffic infraction
 532 | collected pursuant to ss. 318.14(10) (b) and 318.18 shall be

533 deposited into the Juvenile Justice Training Trust Fund.

534 (c) In addition to the funds generated by paragraph (b),
535 the trust fund may receive funds from any other public or
536 private source.

537 (d) Funds that are not expended by the end of the budget
538 cycle or through a supplemental budget approved by the
539 department shall revert to the trust fund.

540 (5) ESTABLISHMENT OF JUVENILE JUSTICE TRAINING
541 ACADEMIES.--The number, location, and establishment of juvenile
542 justice training academies shall be determined by the department
543 ~~commission~~.

544 (6) SCHOLARSHIPS AND STIPENDS.--

545 (a) By rule, the department ~~commission~~ shall establish
546 criteria to award scholarships or stipends to qualified
547 delinquency program staff ~~juvenile justice personnel~~ who are
548 residents of the state who want to pursue a bachelor's or
549 associate in arts degree in juvenile justice or a related field.
550 The department shall handle the administration of the
551 scholarship or stipend. The Department of Education shall handle
552 the notes issued for the payment of the scholarships or
553 stipends. All scholarship and stipend awards shall be paid from
554 the Juvenile Justice Training Trust Fund upon vouchers approved
555 by the Department of Education and properly certified by the
556 Chief Financial Officer. Prior to the award of a scholarship or
557 stipend, the delinquency program staff ~~juvenile justice employee~~
558 must agree in writing to practice her or his profession in
559 juvenile justice or a related field for 1 month for each month
560 of grant or to repay the full amount of the scholarship or

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561 stipend together with interest at the rate of 5 percent per
562 annum over a period not to exceed 10 years. Repayment shall be
563 made payable to the state for deposit into the Juvenile Justice
564 Training Trust Fund.

565 (b) The department ~~commission~~ may establish the
566 scholarship program by rule ~~and implement the program on or~~
567 ~~after July 1, 1996.~~

568 (7) ADOPTION OF RULES.--The department ~~commission~~ shall
569 adopt rules as necessary to administer ~~carry out the provisions~~
570 ~~of~~ this section.

571 (8) PARTICIPATION OF CERTAIN PROGRAMS IN THE STATE RISK
572 MANAGEMENT TRUST FUND.--Pursuant to s. 284.30, the Division of
573 Risk Management of the Department of Financial Services is
574 authorized to insure a private agency, individual, or
575 corporation operating a state-owned training school under a
576 contract to carry out the purposes and responsibilities of any
577 program of the department. The coverage authorized herein shall
578 be under the same general terms and conditions as the department
579 is insured for its responsibilities under chapter 284.

580 (9) DELINQUENCY PROGRAM STAFF DEFINED.--As used in this
581 section, the term "delinquency program staff" means supervisory
582 and direct care staff of a delinquency program as well as
583 support staff who have direct contact with children in a
584 delinquency program that is owned and operated by the
585 department. ~~The Juvenile Justice Standards and Training~~
586 ~~Commission is terminated on June 30, 2001, and such termination~~
587 ~~shall be reviewed by the Legislature prior to that date.~~

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588 Section 11. Subsection (8) of section 985.48, Florida
 589 Statutes, is amended to read:

590 985.48 Juvenile sexual offender commitment programs;
 591 sexual abuse intervention networks.--

592 (8) The department ~~Juvenile Justice Standards and Training~~
 593 ~~Commission~~ shall establish criteria for training all contract
 594 and department staff or provide a special training program for
 595 contract and department staff to effectively manage and provide
 596 services and treatment to a juvenile sexual offender in a
 597 juvenile sexual offender program.

598 Section 12. Subsection (2) of section 985.721, Florida
 599 Statutes, is amended to read:

600 985.721 Escapes from secure detention or residential
 601 commitment facility.--An escape from:

602 (2) Any residential commitment facility described in s.
 603 985.03 (45) ~~(44)~~, maintained for the custody, treatment,
 604 punishment, or rehabilitation of children found to have
 605 committed delinquent acts or violations of law; or
 606
 607 constitutes escape within the intent and meaning of s. 944.40
 608 and is a felony of the third degree, punishable as provided in
 609 s. 775.082, s. 775.083, or s. 775.084.

610 Section 13. This act shall take effect July 1, 2009.