

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; amending s. 985.43, F.S.; providing a legislative  
56 declaration concerning the determination whether to commit

57 a juvenile to the department and the most appropriate  
 58 placement level if the juvenile is committed; amending s.  
 59 985.433, F.S.; revising provisions relating to  
 60 recommendations by probation officers to the court  
 61 concerning placement and any proposed treatment plan of  
 62 juveniles; requiring that reasons for a disposition be  
 63 stated for the record; requiring the department to  
 64 maintain data for certain purposes; providing an effective  
 65 date.

66  
 67 Be It Enacted by the Legislature of the State of Florida:

68  
 69 Section 1. Paragraph (i) is added to subsection (4) of  
 70 section 394.492, Florida Statutes, to read:

71 394.492 Definitions.--As used in ss. 394.490-394.497, the  
 72 term:

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

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

79 Section 2. Paragraph (b) of subsection (4) of section  
 80 435.04, Florida Statutes, is amended to read:

81 435.04 Level 2 screening standards.--

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

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

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

87 984.03 Definitions.--When used in this chapter, the term:

88 (9) "Child in need of services" means a child for whom  
 89 there is no pending investigation into an allegation or  
 90 suspicion of abuse, neglect, or abandonment; no pending referral  
 91 alleging that the child is delinquent, except if the child is 9  
 92 years of age or younger at the time of referral to the  
 93 department; or no current supervision by the department ~~of~~  
 94 ~~Juvenile Justice~~ or the Department of Children and Family  
 95 Services for an adjudication of dependency or delinquency. The  
 96 child must also, pursuant to this chapter, be found by the  
 97 court:

98 (a) To have persistently run away from the child's parents  
 99 or legal custodians despite reasonable efforts of the child, the  
 100 parents or legal custodians, and appropriate agencies to remedy  
 101 the conditions contributing to the behavior. Reasonable efforts  
 102 shall include voluntary participation by the child's parents or  
 103 legal custodians and the child in family mediation, services,  
 104 and treatment offered by the department ~~of Juvenile Justice~~ or  
 105 the Department of Children and Family Services;

106 (b) To be habitually truant from school, while subject to  
 107 compulsory school attendance, despite reasonable efforts to  
 108 remedy the situation pursuant to ss. 1003.26 and 1003.27 and  
 109 through voluntary participation by the child's parents or legal  
 110 custodians and by the child in family mediation, services, and  
 111 treatment offered by the department ~~of Juvenile Justice~~ or the  
 112 Department of Children and Family Services; ~~or~~

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113 (c) To have persistently disobeyed the reasonable and  
114 lawful demands of the child's parents or legal custodians, and  
115 to be beyond their control despite efforts by the child's  
116 parents or legal custodians and appropriate agencies to remedy  
117 the conditions contributing to the behavior. Reasonable efforts  
118 may include such things as good faith participation in family or  
119 individual counseling; ~~or-~~

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

122 Section 4. Subsection (9) is added to section 985.02,  
123 Florida Statutes, to read:

124 985.02 Legislative intent for the juvenile justice  
125 system.--

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

139 Section 5. Subsection (7) of section 985.03, Florida  
140 Statutes, is amended, present subsections (39) through (57) are

141 redesignated as subsections (40) through (58), respectively, and  
 142 a new subsection (39) is added to that section, to read:

143 985.03 Definitions.--As used in this chapter, the term:

144 (7) "Child in need of services" means a child for whom  
 145 there is no pending investigation into an allegation or  
 146 suspicion of abuse, neglect, or abandonment; no pending referral  
 147 alleging that the child is delinquent, except if the child is 9  
 148 years of age or younger at the time of referral to the  
 149 department; or no current supervision by the department or the  
 150 Department of Children and Family Services for an adjudication  
 151 of dependency or delinquency. The child must also, under this  
 152 chapter, be found by the court:

153 (a) To have persistently run away from the child's parents  
 154 or legal custodians despite reasonable efforts of the child, the  
 155 parents or legal custodians, and appropriate agencies to remedy  
 156 the conditions contributing to the behavior. Reasonable efforts  
 157 shall include voluntary participation by the child's parents or  
 158 legal custodians and the child in family mediation, services,  
 159 and treatment offered by the department or the Department of  
 160 Children and Family Services;

161 (b) To be habitually truant from school, while subject to  
 162 compulsory school attendance, despite reasonable efforts to  
 163 remedy the situation under ss. 1003.26 and 1003.27 and through  
 164 voluntary participation by the child's parents or legal  
 165 custodians and by the child in family mediation, services, and  
 166 treatment offered by the department ~~of Juvenile Justice~~ or the  
 167 Department of Children and Family Services; ~~or~~

168 (c) To have persistently disobeyed the reasonable and

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169 lawful demands of the child's parents or legal custodians, and  
 170 to be beyond their control despite efforts by the child's  
 171 parents or legal custodians and appropriate agencies to remedy  
 172 the conditions contributing to the behavior. Reasonable efforts  
 173 may include such things as good faith participation in family or  
 174 individual counseling; or-

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

177 (39) "Ordinary medical care in department facilities and  
 178 programs" means medical procedures that are administered or  
 179 performed on a routine basis and include, but are not limited  
 180 to, inoculations, physical examinations, remedial treatment for  
 181 minor illnesses and injuries, preventive services, medication  
 182 management, chronic disease detection and treatment, and other  
 183 medical procedures that are administered or performed on a  
 184 routine basis and that do not involve hospitalization, surgery,  
 185 or use of general anesthesia.

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

188 985.125 Prearrest or postarrest diversion programs.--

189 (1) A law enforcement agency, ~~or~~ school district, county,  
 190 municipality, or the department, in cooperation with the state  
 191 attorney, is encouraged to may establish a prearrest or  
 192 postarrest diversion programs for first-time misdemeanor  
 193 offenders and offenders who are 9 years of age or younger  
 194 program.

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

197 985.441 Commitment.--

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

202 (e) Commit the child to the department for placement in a  
 203 mother-infant program designed to serve the needs of the  
 204 juvenile mothers or expectant juvenile mothers who are committed  
 205 as delinquents. The department's mother-infant program must be  
 206 licensed as a child care facility in accordance with s. 402.308  
 207 and must provide the services and support necessary to enable  
 208 the committed juvenile mothers to provide for the needs of their  
 209 infants who, upon agreement of the mother, may accompany them in  
 210 the program. The department shall adopt rules to govern the  
 211 operation of such programs.

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

214 985.601 Administering the juvenile justice continuum.--

215 (2)(a) The department shall develop and implement an  
 216 appropriate continuum of care that provides individualized,  
 217 multidisciplinary assessments, objective evaluations of relative  
 218 risks, and the matching of needs with placements for all  
 219 children under its care, and that uses a system of case  
 220 management to facilitate each child being appropriately  
 221 assessed, provided with services, and placed in a program that  
 222 meets the child's needs.

223 (b) The department shall adopt rules to ensure the  
 224 effective delivery of services to children in the department's



- 225 care and custody. The rules must address the delivery of:  
 226 1. Ordinary medical care in department facilities and  
 227 programs;  
 228 2. Mental health services in department facilities and  
 229 programs;  
 230 3. Substance abuse treatment services in department  
 231 facilities and programs; and  
 232 4. Services to children with developmental disabilities in  
 233 department facilities and programs.

234  
 235 The department shall coordinate its rulemaking with the  
 236 Department of Children and Family Services and the Agency for  
 237 Persons with Disabilities to ensure that the rules adopted under  
 238 this section do not encroach upon the substantive jurisdiction  
 239 of those agencies. The department shall include the above-  
 240 mentioned entities in the rulemaking process, as appropriate.

241 Section 9. Section 985.644, Florida Statutes, is amended  
 242 to read:

243 985.644 Departmental contracting powers; personnel  
 244 standards and screening.--

245 (1) ~~The department of Juvenile Justice or the Department~~  
 246 ~~of Children and Family Services, as appropriate,~~ may contract  
 247 with the Federal Government, other state departments and  
 248 agencies, county and municipal governments and agencies, public  
 249 and private agencies, and private individuals and corporations  
 250 in carrying out the purposes of, and the responsibilities  
 251 established in, this chapter.

252 (a) When the department ~~of Juvenile Justice or the~~

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253 ~~Department of Children and Family Services~~ contracts with a  
254 provider for any program for children, all personnel, including  
255 owners, operators, employees, and volunteers, in the facility  
256 must be of good moral character. Each contract entered into by  
257 either department for services delivered on an appointment or  
258 intermittent basis by a provider that does not have regular  
259 custodial responsibility for children and each contract with a  
260 school for before or aftercare services must ensure that the  
261 owners, operators, and all personnel who have direct contact  
262 with children are of good moral character. ~~A volunteer who~~  
263 ~~assists on an intermittent basis for less than 40 hours per~~  
264 ~~month need not be screened if the volunteer is under direct and~~  
265 ~~constant supervision by persons who meet the screening~~  
266 ~~requirements.~~

267 (b) The department of ~~Juvenile Justice~~ and the Department  
268 of ~~Children and Family Services~~ shall require employment  
269 screening pursuant to chapter 435, using the level 2 standards  
270 set forth in that chapter for personnel in programs for children  
271 or youths.

272 (c) The department of ~~Juvenile Justice~~ or the Department  
273 of ~~Children and Family Services~~ may grant exemptions from  
274 disqualification from working with children as provided in s.  
275 435.07.

276 (2) The department may contract with the Federal  
277 Government, other state departments and agencies, county and  
278 municipal governments and agencies, public and private agencies,  
279 and private individuals and corporations in carrying out the  
280 purposes and the responsibilities of the delinquency services

281 and programs of the department.

282 (3) The department shall adopt a rule pursuant to chapter  
 283 120 establishing a procedure to provide notice of policy changes  
 284 that affect contracted delinquency services and programs. A  
 285 policy is defined as an operational requirement that applies to  
 286 only the specified contracted delinquency service or program.

287 The procedure shall include:

288 (a) Public notice of policy development.

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

290 (c) Assessment for fiscal impact upon the department and  
 291 providers.

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

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

301 (4) ~~(5)~~ (a) For any person employed by the department, or by  
 302 a provider under contract with the department, in delinquency  
 303 facilities, services, or programs, the department shall require:

304 1. A level 2 employment screening pursuant to chapter 435  
 305 prior to employment.

306 2. A federal criminal records check by the Federal Bureau  
 307 of Investigation every 5 years following the date of the  
 308 person's employment.

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309 (b) Except for law enforcement, correctional, and  
310 correctional probation officers, to whom s. 943.13(5) applies,  
311 the department shall electronically submit to the Department of  
312 Law Enforcement:

313 1. Fingerprint information obtained during the employment  
314 screening required by subparagraph (a)1.

315 2. ~~Beginning on December 15, 2005,~~ Fingerprint information  
316 for all persons employed by the department, or by a provider  
317 under contract with the department, in delinquency facilities,  
318 services, or programs if such fingerprint information has not  
319 previously been electronically submitted to the Department of  
320 Law Enforcement under this paragraph.

321 (c) All fingerprint information electronically submitted  
322 to the Department of Law Enforcement under paragraph (b) shall  
323 be retained by the Department of Law Enforcement and entered  
324 into the statewide automated fingerprint identification system  
325 authorized by s. 943.05(2)(b). Thereafter, such fingerprint  
326 information shall be available for all purposes and uses  
327 authorized for arrest fingerprint information entered into the  
328 statewide automated fingerprint identification system pursuant  
329 to s. 943.051 until the fingerprint information is removed  
330 pursuant to paragraph (e). The Department of Law Enforcement  
331 shall search all arrest fingerprint information received  
332 pursuant to s. 943.051 against the fingerprint information  
333 entered into the statewide automated fingerprint system pursuant  
334 to this subsection. Any arrest records identified as a result of  
335 the search shall be reported to the department in the manner and  
336 timeframe established by the Department of Law Enforcement by

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337 rule.

338 (d) The department shall pay an annual fee to the  
339 Department of Law Enforcement for its costs resulting from the  
340 fingerprint information retention services required by this  
341 subsection. The amount of the annual fee and procedures for the  
342 submission and retention of fingerprint information and for the  
343 dissemination of search results shall be established by the  
344 Department of Law Enforcement by a rule that is applicable to  
345 the department individually pursuant to this subsection or that  
346 is applicable to the department and other employing agencies  
347 pursuant to rulemaking authority otherwise provided by law.

348 (e) The department shall notify the Department of Law  
349 Enforcement when a person whose fingerprint information is  
350 retained by the Department of Law Enforcement under this  
351 subsection is no longer employed by the department, or by a  
352 provider under contract with the department, in a delinquency  
353 facility, service, or program. This notice shall be provided by  
354 the department to the Department of Law Enforcement no later  
355 than 6 months after the date of the change in the person's  
356 employment status. Fingerprint information for persons  
357 identified by the department in the notice shall be removed from  
358 the statewide automated fingerprint system.

359 ~~(5)(6)~~ The department may grant exemptions from  
360 disqualification from working with children as provided in s.  
361 435.07.

362 Section 10. Section 985.66, Florida Statutes, is amended  
363 to read:

364 985.66 Juvenile justice training academies; staff

365 development and training ~~Juvenile Justice Standards and Training~~  
 366 ~~Commission~~; Juvenile Justice Training Trust Fund.--

367 (1) LEGISLATIVE PURPOSE.--In order to enable the state to  
 368 provide a systematic approach to staff development and training  
 369 for judges, state attorneys, public defenders, law enforcement  
 370 officers, school district personnel, and delinquency juvenile  
 371 ~~justice~~ program staff that will meet the needs of such persons  
 372 in their discharge of duties while at the same time meeting the  
 373 requirements for the American Correction Association  
 374 accreditation by the Commission on Accreditation for  
 375 Corrections, it is the purpose of the Legislature to require the  
 376 department to establish, maintain, and oversee the operation of  
 377 juvenile justice training academies in the state. The purpose of  
 378 the Legislature in establishing staff development and training  
 379 programs is to foster better staff morale and reduce  
 380 mistreatment and aggressive and abusive behavior in delinquency  
 381 programs; to positively impact the recidivism of children in the  
 382 juvenile justice system; and to afford greater protection of the  
 383 public through an improved level of services delivered by a  
 384 professionally trained delinquency ~~juvenile justice~~ program  
 385 staff to children who are alleged to be or who have been found  
 386 to be delinquent.

387 (2) STAFF DEVELOPMENT AND TRAINING ~~JUVENILE JUSTICE~~  
 388 ~~STANDARDS AND TRAINING COMMISSION~~.--

389 ~~(a) There is created under the Department of Juvenile~~  
 390 ~~Justice the Juvenile Justice Standards and Training Commission,~~  
 391 ~~hereinafter referred to as the commission. The 17 member~~  
 392 ~~commission shall consist of the Attorney General or designee,~~

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393 ~~the Commissioner of Education or designee, a member of the~~  
394 ~~juvenile court judiciary to be appointed by the Chief Justice of~~  
395 ~~the Supreme Court, and 14 members to be appointed by the~~  
396 ~~Secretary of Juvenile Justice as follows:~~

397       1. ~~Seven members shall be juvenile justice professionals:~~  
398 ~~a superintendent or a direct care staff member from an~~  
399 ~~institution; a director from a contracted community-based~~  
400 ~~program; a superintendent and a direct care staff member from a~~  
401 ~~regional detention center or facility; a juvenile probation~~  
402 ~~officer supervisor and a juvenile probation officer; and a~~  
403 ~~director of a day treatment or conditional release program. No~~  
404 ~~fewer than three of these members shall be contract providers.~~

405       2. ~~Two members shall be representatives of local law~~  
406 ~~enforcement agencies.~~

407       3. ~~One member shall be an educator from the state's~~  
408 ~~university and community college program of criminology,~~  
409 ~~criminal justice administration, social work, psychology,~~  
410 ~~sociology, or other field of study pertinent to the training of~~  
411 ~~juvenile justice program staff.~~

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

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

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

417       7. ~~One member shall be a representative of the business~~  
418 ~~community.~~

419

420 ~~All appointed members shall be appointed to serve terms of 2~~

421 ~~years.~~

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

427 ~~(c) The Department of Juvenile Justice shall provide the~~  
428 ~~commission with staff necessary to assist the commission in the~~  
429 ~~performance of its duties.~~

430 ~~(d) The commission shall annually elect its chairperson~~  
431 ~~and other officers. The commission shall hold at least four~~  
432 ~~regular meetings each year at the call of the chairperson or~~  
433 ~~upon the written request of three members of the commission. A~~  
434 ~~majority of the members of the commission constitutes a quorum.~~  
435 ~~Members of the commission shall serve without compensation but~~  
436 ~~are entitled to be reimbursed for per diem and travel expenses~~  
437 ~~as provided by s. 112.061 and these expenses shall be paid from~~  
438 ~~the Juvenile Justice Training Trust Fund.~~

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

441 ~~(a)1.~~ Designate the location of the training academies;  
442 develop, implement, maintain, and update the curriculum to be  
443 used in the training of delinquency juvenile justice program  
444 staff; establish timeframes for participation in and completion  
445 of training by delinquency juvenile justice program staff;  
446 develop, implement, maintain, and update job-related  
447 examinations; develop, implement, and update the types and  
448 frequencies of evaluations of the training academies; approve,



449 modify, or disapprove the budget for the training academies, and  
 450 the contractor to be selected to organize and operate the  
 451 training academies and to provide the training curriculum.

452 (b)2. Establish uniform minimum job-related training  
 453 courses and examinations for delinquency ~~juvenile justice~~  
 454 program staff.

455 (c)3. Consult and cooperate with the state or any  
 456 political subdivision; any private entity or contractor; and  
 457 with private and public universities, colleges, community  
 458 colleges, and other educational institutions concerning the  
 459 development of juvenile justice training and programs or courses  
 460 of instruction, including, but not limited to, education and  
 461 training in the areas of juvenile justice.

462 (d)4. Enter into ~~With the approval of the department, make~~  
 463 ~~and enter into such~~ contracts and agreements with other  
 464 agencies, organizations, associations, corporations,  
 465 individuals, or federal agencies as ~~the commission determines~~  
 466 ~~are~~ necessary in the execution of the its powers of the  
 467 department or the performance of its duties.

468 ~~5. Make recommendations to the Department of Juvenile~~  
 469 ~~Justice concerning any matter within the purview of this~~  
 470 ~~section.~~

471 (3) JUVENILE JUSTICE TRAINING PROGRAM.--The department  
 472 ~~commission~~ shall establish a certifiable program for juvenile  
 473 justice training pursuant to this section, and all delinquency  
 474 ~~department~~ program staff and ~~providers~~ who deliver direct care  
 475 services ~~pursuant to contract with the department~~ shall be  
 476 required to participate in and successfully complete the

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477 department-approved ~~commission-approved~~ program of training  
478 pertinent to their areas of responsibility. Judges, state  
479 attorneys, and public defenders, law enforcement officers, and  
480 school district personnel may participate in such training  
481 program. For the delinquency ~~juvenile justice~~ program staff, the  
482 department ~~commission~~ shall, based on a job-task analysis:

483 (a) Design, implement, maintain, evaluate, and revise a  
484 basic training program, including a competency-based  
485 examination, for the purpose of providing minimum employment  
486 training qualifications for all delinquency program staff  
487 ~~juvenile justice personnel~~. All program staff of the department  
488 and providers who deliver direct-care services who are hired  
489 after October 1, 1999, must meet the following minimum  
490 requirements:

- 491 1. Be at least 19 years of age.
- 492 2. Be a high school graduate or its equivalent as  
493 determined by the department ~~commission~~.
- 494 3. Not have been convicted of any felony or a misdemeanor  
495 involving perjury or a false statement, or have received a  
496 dishonorable discharge from any of the Armed Forces of the  
497 United States. Any person who, after September 30, 1999, pleads  
498 guilty or nolo contendere to or is found guilty of any felony or  
499 a misdemeanor involving perjury or false statement is not  
500 eligible for employment, notwithstanding suspension of sentence  
501 or withholding of adjudication. Notwithstanding this  
502 subparagraph, any person who pled nolo contendere to a  
503 misdemeanor involving a false statement before October 1, 1999,  
504 and who has had such record of that plea sealed or expunged is

505 not ineligible for employment for that reason.

506 4. Abide by all the provisions of s. 985.644(1) regarding  
507 fingerprinting and background investigations and other screening  
508 requirements for personnel.

509 5. Execute and submit to the department an affidavit-of-  
510 application form, adopted by the department, attesting to his or  
511 her compliance with subparagraphs 1.-4. The affidavit must be  
512 executed under oath and constitutes an official statement under  
513 s. 837.06. The affidavit must include conspicuous language that  
514 the intentional false execution of the affidavit constitutes a  
515 misdemeanor of the second degree. The employing agency shall  
516 retain the affidavit.

517 (b) Design, implement, maintain, evaluate, and revise an  
518 advanced training program, including a competency-based  
519 examination for each training course, which is intended to  
520 enhance knowledge, skills, and abilities related to job  
521 performance.

522 (c) Design, implement, maintain, evaluate, and revise a  
523 career development training program, including a competency-  
524 based examination for each training course. Career development  
525 courses are intended to prepare personnel for promotion.

526 (d) The department ~~commission~~ is encouraged to design,  
527 implement, maintain, evaluate, and revise juvenile justice  
528 training courses, or to enter into contracts for such training  
529 courses, that are intended to provide for the safety and well-  
530 being of both citizens and juvenile offenders.

531 (4) JUVENILE JUSTICE TRAINING TRUST FUND.--

532 (a) There is created within the State Treasury a Juvenile

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533 Justice Training Trust Fund to be used by the Department of  
 534 Juvenile Justice for the purpose of funding the development and  
 535 updating of a job-task analysis of delinquency program staff  
 536 ~~juvenile justice personnel~~; the development, implementation, and  
 537 updating of job-related training courses and examinations; and  
 538 the cost of ~~commission-approved~~ juvenile justice training  
 539 courses; ~~and reimbursement for expenses as provided in s.~~  
 540 ~~112.061 for members of the commission and staff.~~

541 (b) One dollar from every noncriminal traffic infraction  
 542 collected pursuant to ss. 318.14(10) (b) and 318.18 shall be  
 543 deposited into the Juvenile Justice Training Trust Fund.

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

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

550 (5) ESTABLISHMENT OF JUVENILE JUSTICE TRAINING  
 551 ACADEMIES.--The number, location, and establishment of juvenile  
 552 justice training academies shall be determined by the department  
 553 ~~commission~~.

554 (6) SCHOLARSHIPS AND STIPENDS.--

555 (a) By rule, the department ~~commission~~ shall establish  
 556 criteria to award scholarships or stipends to qualified  
 557 delinquency program staff ~~juvenile justice personnel~~ who are  
 558 residents of the state who want to pursue a bachelor's or  
 559 associate in arts degree in juvenile justice or a related field.  
 560 The department shall handle the administration of the

561 scholarship or stipend. The Department of Education shall handle  
 562 the notes issued for the payment of the scholarships or  
 563 stipends. All scholarship and stipend awards shall be paid from  
 564 the Juvenile Justice Training Trust Fund upon vouchers approved  
 565 by the Department of Education and properly certified by the  
 566 Chief Financial Officer. Prior to the award of a scholarship or  
 567 stipend, the delinquency program staff ~~juvenile justice employee~~  
 568 must agree in writing to practice her or his profession in  
 569 juvenile justice or a related field for 1 month for each month  
 570 of grant or to repay the full amount of the scholarship or  
 571 stipend together with interest at the rate of 5 percent per  
 572 annum over a period not to exceed 10 years. Repayment shall be  
 573 made payable to the state for deposit into the Juvenile Justice  
 574 Training Trust Fund.

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

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

581 (8) PARTICIPATION OF CERTAIN PROGRAMS IN THE STATE RISK  
 582 MANAGEMENT TRUST FUND.--Pursuant to s. 284.30, the Division of  
 583 Risk Management of the Department of Financial Services is  
 584 authorized to insure a private agency, individual, or  
 585 corporation operating a state-owned training school under a  
 586 contract to carry out the purposes and responsibilities of any  
 587 program of the department. The coverage authorized herein shall  
 588 be under the same general terms and conditions as the department

589 is insured for its responsibilities under chapter 284.

590 (9) DELINQUENCY PROGRAM STAFF DEFINED.--As used in this  
 591 section, the term "delinquency program staff" means supervisory  
 592 and direct care staff of a delinquency program as well as  
 593 support staff who have direct contact with children in a  
 594 delinquency program that is owned and operated by the  
 595 department. ~~The Juvenile Justice Standards and Training~~  
 596 ~~Commission is terminated on June 30, 2001, and such termination~~  
 597 ~~shall be reviewed by the Legislature prior to that date.~~

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

600 985.48 Juvenile sexual offender commitment programs;  
 601 sexual abuse intervention networks.--

602 (8) The department ~~Juvenile Justice Standards and Training~~  
 603 ~~Commission~~ shall establish criteria for training all contract  
 604 and department staff or provide a special training program for  
 605 contract and department staff to effectively manage and provide  
 606 services and treatment to a juvenile sexual offender in a  
 607 juvenile sexual offender program.

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

610 985.721 Escapes from secure detention or residential  
 611 commitment facility.--An escape from:

612 (2) Any residential commitment facility described in s.  
 613 985.03(45)~~(44)~~, maintained for the custody, treatment,  
 614 punishment, or rehabilitation of children found to have  
 615 committed delinquent acts or violations of law; or

616

617 | constitutes escape within the intent and meaning of s. 944.40  
 618 | and is a felony of the third degree, punishable as provided in  
 619 | s. 775.082, s. 775.083, or s. 775.084.

620 | Section 13. Subsection (4) is added to section 985.43,  
 621 | Florida Statutes, to read:

622 | 985.43 Predisposition reports; other evaluations.--

623 | (4) The Legislature finds that the court is in the best  
 624 | position to weigh all facts and circumstances to determine  
 625 | whether or not to commit a juvenile to the department and to  
 626 | determine the most appropriate restrictiveness level for a  
 627 | juvenile committed to the department.

628 | Section 14. Paragraphs (a) and (b) of subsection (7) of  
 629 | section 985.433, Florida Statutes, are amended to read:

630 | 985.433 Disposition hearings in delinquency cases.--When a  
 631 | child has been found to have committed a delinquent act, the  
 632 | following procedures shall be applicable to the disposition of  
 633 | the case:

634 | (7) If the court determines that the child should be  
 635 | adjudicated as having committed a delinquent act and should be  
 636 | committed to the department, such determination shall be in  
 637 | writing or on the record of the hearing. The determination shall  
 638 | include a specific finding of the reasons for the decision to  
 639 | adjudicate and to commit the child to the department, including  
 640 | any determination that the child was a member of a criminal  
 641 | gang.

642 | (a) The juvenile probation officer shall make a  
 643 | recommendation to the court concerning placement and any  
 644 | proposed treatment plan ~~recommend to the court the most~~

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645 ~~appropriate placement and treatment plan, specifically~~  
646 ~~identifying the restrictiveness level most appropriate for the~~  
647 ~~child.~~ If the court has determined that the child was a member  
648 of a criminal gang, that determination shall be given great  
649 weight in identifying the most appropriate restrictiveness level  
650 for the child. The court shall consider the department's  
651 recommendation in making its commitment decision.

652 (b) The court may ~~shall~~ commit the child to the department  
653 at the restrictiveness level identified by the department, or  
654 the court may order placement at a different restrictiveness  
655 level. The court may determine the disposition on the same  
656 factors as the department considered in the department's  
657 predisposition report and placement recommendation even if the  
658 court reaches a different conclusion. The court may commit the  
659 child to a different restrictiveness level than recommended by  
660 the department. The court shall state for the record the reasons  
661 for the disposition imposed ~~that establish by a preponderance of~~  
662 ~~the evidence why the court is disregarding the assessment of the~~  
663 ~~child and the restrictiveness level recommended by the~~  
664 department. Any party may appeal the court's findings resulting  
665 in a modified level of restrictiveness under this paragraph. The  
666 department shall maintain data to identify the extent to which  
667 the courts agree with the department's recommendation.

668 Section 15. This act shall take effect July 1, 2009.