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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2010	.	
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	.	

The Committee on Criminal Justice (Dean) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 985.66, Florida Statutes, is amended to read:

985.66 Juvenile justice training academies; staff development and training ~~Juvenile Justice Standards and Training Commission~~; Juvenile Justice Training Trust Fund.—

(1) LEGISLATIVE PURPOSE.—In order to enable the state to provide a systematic approach to staff development and training



694716

13 for judges, state attorneys, public defenders, law enforcement
14 officers, school district personnel, and department ~~juvenile~~
15 ~~justice~~ program staff that will meet the needs of such persons
16 in their discharge of duties while at the same time meeting the
17 requirements for the American Correction Association
18 accreditation by the Commission on Accreditation for
19 Corrections, it is the purpose of the Legislature to require the
20 department to establish, maintain, and oversee the operation of
21 juvenile justice training academies in the state. The purpose of
22 the Legislature in establishing staff development and training
23 programs is to foster better staff morale and reduce
24 mistreatment and aggressive and abusive behavior in delinquency
25 programs; to positively impact the recidivism of children in the
26 juvenile justice system; and to afford greater protection of the
27 public through an improved level of services delivered by a
28 professionally trained department ~~juvenile-justice~~ program staff
29 to children who are alleged to be or who have been found to be
30 delinquent.

31 (2) STAFF DEVELOPMENT AND TRAINING JUVENILE JUSTICE
32 STANDARDS AND TRAINING COMMISSION.—

33 ~~(a) There is created under the Department of Juvenile~~
34 ~~Justice the Juvenile Justice Standards and Training Commission,~~
35 ~~hereinafter referred to as the commission. The 17-member~~
36 ~~commission shall consist of the Attorney General or designee,~~
37 ~~the Commissioner of Education or designee, a member of the~~
38 ~~juvenile court judiciary to be appointed by the Chief Justice of~~
39 ~~the Supreme Court, and 14 members to be appointed by the~~
40 ~~Secretary of Juvenile Justice as follows:~~

- 41 ~~1. Seven members shall be juvenile justice professionals: a~~



694716

42 ~~superintendent or a direct care staff member from an~~
43 ~~institution; a director from a contracted community-based~~
44 ~~program; a superintendent and a direct care staff member from a~~
45 ~~regional detention center or facility; a juvenile probation~~
46 ~~officer supervisor and a juvenile probation officer; and a~~
47 ~~director of a day treatment or conditional release program. No~~
48 ~~fewer than three of these members shall be contract providers.~~

49 ~~2. Two members shall be representatives of local law~~
50 ~~enforcement agencies.~~

51 ~~3. One member shall be an educator from the state's~~
52 ~~university and community college program of criminology,~~
53 ~~criminal justice administration, social work, psychology,~~
54 ~~sociology, or other field of study pertinent to the training of~~
55 ~~juvenile justice program staff.~~

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

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

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

61 ~~7. One member shall be a representative of the business~~
62 ~~community.~~

63
64 ~~All appointed members shall be appointed to serve terms of 2~~
65 ~~years.~~

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



694716

71 ~~(c) The Department of Juvenile Justice shall provide the~~
72 ~~commission with staff necessary to assist the commission in the~~
73 ~~performance of its duties.~~

74 ~~(d) The commission shall annually elect its chairperson and~~
75 ~~other officers. The commission shall hold at least four regular~~
76 ~~meetings each year at the call of the chairperson or upon the~~
77 ~~written request of three members of the commission. A majority~~
78 ~~of the members of the commission constitutes a quorum. Members~~
79 ~~of the commission shall serve without compensation but are~~
80 ~~entitled to be reimbursed for per diem and travel expenses as~~
81 ~~provided by s. 112.061 and these expenses shall be paid from the~~
82 ~~Juvenile Justice Training Trust Fund.~~

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

85 ~~(a)1.~~ Designate the location of the training academies;
86 develop, implement, maintain, and update the curriculum to be
87 used in the training of department ~~juvenile justice~~ program
88 staff; establish timeframes for participation in and completion
89 of training by department ~~juvenile justice~~ program staff;
90 develop, implement, maintain, and update job-related
91 examinations; develop, implement, and update the types and
92 frequencies of evaluations of the training academies; approve,
93 modify, or disapprove the budget for the training academies, and
94 the contractor to be selected to organize and operate the
95 training academies and to provide the training curriculum.

96 ~~(b)2.~~ Establish uniform minimum job-related training
97 courses and examinations for department ~~juvenile justice~~ program
98 staff.

99 ~~(c)3.~~ Consult and cooperate with the state or any political



694716

100 subdivision; any private entity or contractor; and with private
101 and public universities, colleges, community colleges, and other
102 educational institutions concerning the development of juvenile
103 justice training and programs or courses of instruction,
104 including, but not limited to, education and training in the
105 areas of juvenile justice.

106 ~~(d)4. Enter into~~ With the approval of the department, make
107 ~~and enter into such~~ contracts and agreements with other
108 agencies, organizations, associations, corporations,
109 individuals, or federal agencies as ~~the commission determines~~
110 ~~are~~ necessary in the execution of the its powers of the
111 department or the performance of its duties.

112 ~~5. Make recommendations to the Department of Juvenile~~
113 ~~Justice concerning any matter within the purview of this~~
114 ~~section.~~

115 (3) JUVENILE JUSTICE TRAINING PROGRAM.—The department
116 ~~commission~~ shall establish a certifiable program for juvenile
117 justice training pursuant to this section, and all department
118 program staff ~~and providers~~ who deliver direct care services
119 ~~pursuant to contract with the department~~ shall be required to
120 participate in and successfully complete the department-approved
121 ~~commission-approved~~ program of training pertinent to their areas
122 of responsibility. Judges, state attorneys, and public
123 defenders, law enforcement officers, and school district
124 personnel may participate in such training program. For the
125 department juvenile justice program staff, the department
126 ~~commission~~ shall, based on a job-task analysis:

127 (a) Design, implement, maintain, evaluate, and revise a
128 basic training program, including a competency-based



694716

129 examination, for the purpose of providing minimum employment
130 training qualifications for all department program staff
131 ~~juvenile justice personnel~~. All program staff of the department
132 and providers who deliver direct-care services who are hired
133 after October 1, 1999, must meet the following minimum
134 requirements:

135 1. Be at least 19 years of age.

136 2. Be a high school graduate or its equivalent as
137 determined by the department commission.

138 3. Not have been convicted of any felony or a misdemeanor
139 involving perjury or a false statement, or have received a
140 dishonorable discharge from any of the Armed Forces of the
141 United States. Any person who, after September 30, 1999, pleads
142 guilty or nolo contendere to or is found guilty of any felony or
143 a misdemeanor involving perjury or false statement is not
144 eligible for employment, notwithstanding suspension of sentence
145 or withholding of adjudication. Notwithstanding this
146 subparagraph, any person who pled nolo contendere to a
147 misdemeanor involving a false statement before October 1, 1999,
148 and who has had such record of that plea sealed or expunged is
149 not ineligible for employment for that reason.

150 4. Abide by all the provisions of s. 985.644(1) regarding
151 fingerprinting and background investigations and other screening
152 requirements for personnel.

153 5. Execute and submit to the department an affidavit-of-
154 application form, adopted by the department, attesting to his or
155 her compliance with subparagraphs 1.-4. The affidavit must be
156 executed under oath and constitutes an official statement under
157 s. 837.06. The affidavit must include conspicuous language that



694716

158 the intentional false execution of the affidavit constitutes a
159 misdemeanor of the second degree. The employing agency shall
160 retain the affidavit.

161 (b) Design, implement, maintain, evaluate, and revise an
162 advanced training program, including a competency-based
163 examination for each training course, which is intended to
164 enhance knowledge, skills, and abilities related to job
165 performance.

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

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

175 (4) JUVENILE JUSTICE TRAINING TRUST FUND.-

176 (a) There is created within the State Treasury a Juvenile
177 Justice Training Trust Fund to be used by the department ~~of~~
178 ~~Juvenile Justice~~ for the purpose of funding the development and
179 updating of a job-task analysis of department program staff
180 ~~juvenile justice personnel~~; the development, implementation, and
181 updating of job-related training courses and examinations; and
182 the cost of ~~commission-approved~~ juvenile justice training
183 courses; ~~and reimbursement for expenses as provided in s.~~
184 ~~112.061 for members of the commission and staff.~~

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



694716

187 deposited into the Juvenile Justice Training Trust Fund.

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

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

194 (5) ESTABLISHMENT OF JUVENILE JUSTICE TRAINING ACADEMIES.—
195 The number, location, and establishment of juvenile justice
196 training academies shall be determined by the department
197 ~~commission~~.

198 (6) SCHOLARSHIPS AND STIPENDS.—

199 (a) By rule, the department ~~commission~~ shall establish
200 criteria to award scholarships or stipends to qualified
201 department program staff ~~juvenile justice personnel~~ who are
202 residents of the state who want to pursue a bachelor's or
203 associate in arts degree in juvenile justice or a related field.
204 The department shall handle the administration of the
205 scholarship or stipend. The Department of Education shall handle
206 the notes issued for the payment of the scholarships or
207 stipends. All scholarship and stipend awards shall be paid from
208 the Juvenile Justice Training Trust Fund upon vouchers approved
209 by the Department of Education and properly certified by the
210 Chief Financial Officer. Prior to the award of a scholarship or
211 stipend, the department program staff ~~juvenile justice employee~~
212 must agree in writing to practice her or his profession in
213 juvenile justice or a related field for 1 month for each month
214 of grant or to repay the full amount of the scholarship or
215 stipend together with interest at the rate of 5 percent per



694716

216 annum over a period not to exceed 10 years. Repayment shall be
217 made payable to the state for deposit into the Juvenile Justice
218 Training Trust Fund.

219 (b) The department ~~commission~~ may establish the scholarship
220 program by rule and ~~implement the program on or after July 1,~~
221 ~~1996.~~

222 (7) ADOPTION OF RULES.—The department ~~commission~~ shall
223 adopt rules as necessary to administer ~~carry out the provisions~~
224 ~~of~~ this section.

225 (8) PARTICIPATION OF CERTAIN PROGRAMS IN THE STATE RISK
226 MANAGEMENT TRUST FUND.—Pursuant to s. 284.30, the Division of
227 Risk Management of the Department of Financial Services is
228 authorized to insure a private agency, individual, or
229 corporation operating a state-owned training school under a
230 contract to carry out the purposes and responsibilities of any
231 program of the department. The coverage authorized herein shall
232 be under the same general terms and conditions as the department
233 is insured for its responsibilities under chapter 284.

234 (9) DEPARTMENT PROGRAM STAFF DEFINED.—As used in this
235 section, the term "department program staff" means supervisory
236 and direct care staff of a delinquency program as well as
237 support staff who have direct contact with children in a
238 delinquency program that is owned and operated by the department
239 ~~The Juvenile Justice Standards and Training Commission is~~
240 ~~terminated on June 30, 2001, and such termination shall be~~
241 ~~reviewed by the Legislature prior to that date.~~

242 Section 2. Subsection (8) of section 985.48, Florida
243 Statutes, is amended to read:

244 985.48 Juvenile sexual offender commitment programs; sexual



694716

245 abuse intervention networks.-

246 (8) The department ~~Juvenile Justice Standards and Training~~
247 ~~Commission~~ shall establish criteria for training all contract
248 and department staff or provide a special training program for
249 contract and department staff to effectively manage and provide
250 services and treatment to a juvenile sexual offender in a
251 juvenile sexual offender program.

252 Section 3. This act shall take effect July 1, 2010.

253
254 ===== T I T L E A M E N D M E N T =====

255 And the title is amended as follows:

256
257 Delete everything before the enacting clause
258 and insert:

259 A bill to be entitled
260 An act relating to juvenile justice; amending s.
261 985.66, F.S.; eliminating the Juvenile Justice
262 Standards and Training Commission; providing that the
263 Department of Juvenile Justice rather than the
264 commission is responsible for department program staff
265 development and training; detailing the minimum
266 qualifications for department program staff of the
267 department and contract providers who deliver direct-
268 care services to children; defining the term
269 "department program staff"; amending s. 985.48, F.S.;
270 conforming a provision to the termination of the
271 Juvenile Justice Standards and Training Commission;
272 providing an effective date.