

HB 4157

2011

1                   A bill to be entitled  
 2           An act relating to the Department of Juvenile Justice;  
 3           repealing s. 985.445, F.S., relating to cases involving  
 4           grand theft of a motor vehicle; amending s. 985.03, F.S.;  
 5           deleting the definition of the term "training school";  
 6           repealing s. 985.636, F.S., relating to authority of the  
 7           secretary to designate persons holding law enforcement  
 8           certification within the Office of the Inspector General  
 9           as law enforcement officers; amending ss. 985.48 and  
 10          985.66, F.S.; conforming provisions to the termination of  
 11          the Juvenile Justice Standards and Training Commission;  
 12          amending ss. 985.0301, 985.47, 985.483, and 985.565, F.S.;  
 13          conforming provisions to changes made by the act;  
 14          providing an effective date.

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

17  
 18           Section 1. Section 985.445, Florida Statutes, is repealed.

19           Section 2. Subsections (57) and (58) of section 985.03,  
 20   Florida Statutes, are renumbered as subsections (56) and (57),  
 21   respectively, and present subsection (56) of that section is  
 22   amended to read:

23           985.03 Definitions.—As used in this chapter, the term:  
 24           ~~(56) "Training school" means one of the following~~  
 25           ~~facilities: the Arthur G. Dozier School or the Eckerd Youth~~  
 26           ~~Development Center.~~

27           Section 3. Section 985.636, Florida Statutes, is repealed.

HB 4157

2011

28 Section 4. Subsections (9) through (14) of section 985.48,  
 29 Florida Statutes, are renumbered as subsections (8) through  
 30 (13), respectively, and present subsection (8) of that section  
 31 is amended to read:

32 985.48 Juvenile sexual offender commitment programs;  
 33 sexual abuse intervention networks.—

34 ~~(8) The Juvenile Justice Standards and Training Commission~~  
 35 ~~shall establish criteria for training all contract and~~  
 36 ~~department staff or provide a special training program for~~  
 37 ~~contract and department staff to effectively manage and provide~~  
 38 ~~services and treatment to a juvenile sexual offender in a~~  
 39 ~~juvenile sexual offender program.~~

40 Section 5. Section 985.66, Florida Statutes, is amended to  
 41 read:

42 985.66 Juvenile justice training academies; staff  
 43 development and training ~~Juvenile Justice Standards and Training~~  
 44 ~~Commission~~; Juvenile Justice Training Trust Fund.—

45 (1) LEGISLATIVE PURPOSE.—In order to enable the state to  
 46 provide a systematic approach to staff development and training  
 47 for judges, state attorneys, public defenders, law enforcement  
 48 officers, school district personnel, and juvenile justice  
 49 program staff that will meet the needs of such persons in their  
 50 discharge of duties while at the same time meeting the  
 51 requirements for the American Correction Association  
 52 accreditation by the Commission on Accreditation for  
 53 Corrections, it is the purpose of the Legislature to require the  
 54 department to establish, maintain, and oversee the operation of  
 55 juvenile justice training academies in the state. The purpose of

HB 4157

2011

56 the Legislature in establishing staff development and training  
57 programs is to foster better staff morale and reduce  
58 mistreatment and aggressive and abusive behavior in delinquency  
59 programs; to positively impact the recidivism of children in the  
60 juvenile justice system; and to afford greater protection of the  
61 public through an improved level of services delivered by a  
62 professionally trained juvenile justice program staff to  
63 children who are alleged to be or who have been found to be  
64 delinquent.

65 (2) STAFF DEVELOPMENT AND TRAINING ~~JUVENILE JUSTICE~~  
66 ~~STANDARDS AND TRAINING COMMISSION.~~—

67 ~~(a) There is created under the Department of Juvenile~~  
68 ~~Justice the Juvenile Justice Standards and Training Commission,~~  
69 ~~hereinafter referred to as the commission. The 17-member~~  
70 ~~commission shall consist of the Attorney General or designee,~~  
71 ~~the Commissioner of Education or designee, a member of the~~  
72 ~~juvenile court judiciary to be appointed by the Chief Justice of~~  
73 ~~the Supreme Court, and 14 members to be appointed by the~~  
74 ~~Secretary of Juvenile Justice as follows:~~

75 1. ~~Seven members shall be juvenile justice professionals:~~  
76 ~~a superintendent or a direct care staff member from an~~  
77 ~~institution; a director from a contracted community-based~~  
78 ~~program; a superintendent and a direct care staff member from a~~  
79 ~~regional detention center or facility; a juvenile probation~~  
80 ~~officer supervisor and a juvenile probation officer; and a~~  
81 ~~director of a day treatment or conditional release program. No~~  
82 ~~fewer than three of these members shall be contract providers.~~

83 2. ~~Two members shall be representatives of local law~~

84 ~~enforcement agencies.~~

85 ~~3. One member shall be an educator from the state's~~  
 86 ~~university and community college program of criminology,~~  
 87 ~~criminal justice administration, social work, psychology,~~  
 88 ~~sociology, or other field of study pertinent to the training of~~  
 89 ~~juvenile justice program staff.~~

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

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

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

95 ~~7. One member shall be a representative of the business~~  
 96 ~~community.~~

97  
 98 ~~All appointed members shall be appointed to serve terms of 2~~  
 99 ~~years.~~

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

105 ~~(c) The Department of Juvenile Justice shall provide the~~  
 106 ~~commission with staff necessary to assist the commission in the~~  
 107 ~~performance of its duties.~~

108 ~~(d) The commission shall annually elect its chairperson~~  
 109 ~~and other officers. The commission shall hold at least four~~  
 110 ~~regular meetings each year at the call of the chairperson or~~  
 111 ~~upon the written request of three members of the commission. A~~

HB 4157

2011

112 ~~majority of the members of the commission constitutes a quorum.~~  
113 ~~Members of the commission shall serve without compensation but~~  
114 ~~are entitled to be reimbursed for per diem and travel expenses~~  
115 ~~as provided by s. 112.061 and these expenses shall be paid from~~  
116 ~~the Juvenile Justice Training Trust Fund.~~

117 ~~(a)(e) The department powers, duties, and functions of the~~  
118 ~~commission shall be to:~~

119 1. Designate the location of the training academies;  
120 develop, implement, maintain, and update the curriculum to be  
121 used in the training of juvenile justice program staff;  
122 establish timeframes for participation in and completion of  
123 training by juvenile justice program staff; develop, implement,  
124 maintain, and update job-related examinations; develop,  
125 implement, and update the types and frequencies of evaluations  
126 of the training academies; approve, modify, or disapprove the  
127 budget for the training academies, and the contractor to be  
128 selected to organize and operate the training academies and to  
129 provide the training curriculum.

130 2. Establish uniform minimum job-related training courses  
131 and examinations for juvenile justice program staff.

132 3. Consult and cooperate with the state or any political  
133 subdivision; any private entity or contractor; and with private  
134 and public universities, colleges, community colleges, and other  
135 educational institutions concerning the development of juvenile  
136 justice training and programs or courses of instruction,  
137 including, but not limited to, education and training in the  
138 areas of juvenile justice.

139 4. ~~With the approval of the department, make and Enter~~

HB 4157

2011

140 into ~~such~~ contracts and agreements with other agencies,  
141 organizations, associations, corporations, individuals, or  
142 federal agencies as ~~the commission determines~~ are necessary in  
143 the execution of the department's ~~its~~ powers or the performance  
144 of its duties.

145 ~~5. Make recommendations to the Department of Juvenile~~  
146 ~~Justice concerning any matter within the purview of this~~  
147 ~~section.~~

148 (3) JUVENILE JUSTICE TRAINING PROGRAM.—The department  
149 ~~commission~~ shall establish a certifiable program for juvenile  
150 justice training pursuant to this section, and all department  
151 program staff and providers who deliver direct care services  
152 pursuant to contract with the department shall be required to  
153 participate in and successfully complete the department-approved  
154 ~~commission-approved~~ program of training pertinent to their areas  
155 of responsibility. Judges, state attorneys, and public  
156 defenders, law enforcement officers, and school district  
157 personnel may participate in such training program. For the  
158 juvenile justice program staff, the department ~~commission~~ shall,  
159 based on a job-task analysis:

160 (a) Design, implement, maintain, evaluate, and revise a  
161 basic training program, including a competency-based  
162 examination, for the purpose of providing minimum employment  
163 training qualifications for all juvenile justice personnel. All  
164 program staff of the department and providers who deliver  
165 direct-care services who are hired after October 1, 1999, must  
166 meet the following minimum requirements:

167 1. Be at least 19 years of age.

HB 4157

2011

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

170           3. Not have been convicted of any felony or a misdemeanor  
171 involving perjury or a false statement, or have received a  
172 dishonorable discharge from any of the Armed Forces of the  
173 United States. Any person who, after September 30, 1999, pleads  
174 guilty or nolo contendere to or is found guilty of any felony or  
175 a misdemeanor involving perjury or false statement is not  
176 eligible for employment, notwithstanding suspension of sentence  
177 or withholding of adjudication. Notwithstanding this  
178 subparagraph, any person who pled nolo contendere to a  
179 misdemeanor involving a false statement before October 1, 1999,  
180 and who has had such record of that plea sealed or expunged is  
181 not ineligible for employment for that reason.

182           4. Abide by all the provisions of s. 985.644(1) regarding  
183 fingerprinting and background investigations and other screening  
184 requirements for personnel.

185           5. Execute and submit to the department an affidavit-of-  
186 application form, adopted by the department, attesting to his or  
187 her compliance with subparagraphs 1.-4. The affidavit must be  
188 executed under oath and constitutes an official statement under  
189 s. 837.06. The affidavit must include conspicuous language that  
190 the intentional false execution of the affidavit constitutes a  
191 misdemeanor of the second degree. The employing agency shall  
192 retain the affidavit.

193           (b) Design, implement, maintain, evaluate, and revise an  
194 advanced training program, including a competency-based  
195 examination for each training course, which is intended to

HB 4157

2011

196 enhance knowledge, skills, and abilities related to job  
197 performance.

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

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

207 (4) JUVENILE JUSTICE TRAINING TRUST FUND.—

208 (a) There is created within the State Treasury a Juvenile  
209 Justice Training Trust Fund to be used by the department ~~of~~  
210 ~~Juvenile Justice~~ for the purpose of funding the development and  
211 updating of a job-task analysis of juvenile justice personnel;  
212 the development, implementation, and updating of job-related  
213 training courses and examinations; and the cost of department-  
214 approved ~~commission-approved~~ juvenile justice training courses,  
215 ~~and reimbursement for expenses as provided in s. 112.061 for~~  
216 ~~members of the commission and staff.~~

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

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

223 (d) Funds that are not expended by the end of the budget



HB 4157

2011

224 cycle or through a supplemental budget approved by the  
 225 department shall revert to the trust fund.

226 (5) ESTABLISHMENT OF JUVENILE JUSTICE TRAINING ACADEMIES.—

227 The number, location, and establishment of juvenile justice  
 228 training academies shall be determined by the department  
 229 ~~commission~~.

230 (6) SCHOLARSHIPS AND STIPENDS.—

231 (a) By rule, the department ~~commission~~ shall establish  
 232 criteria to award scholarships or stipends to qualified juvenile  
 233 justice personnel who are residents of the state who want to  
 234 pursue a bachelor's or associate in arts degree in juvenile  
 235 justice or a related field. The department shall handle the  
 236 administration of the scholarship or stipend. The Department of  
 237 Education shall handle the notes issued for the payment of the  
 238 scholarships or stipends. All scholarship and stipend awards  
 239 shall be paid from the Juvenile Justice Training Trust Fund upon  
 240 vouchers approved by the Department of Education and properly  
 241 certified by the Chief Financial Officer. Prior to the award of  
 242 a scholarship or stipend, the juvenile justice employee must  
 243 agree in writing to practice her or his profession in juvenile  
 244 justice or a related field for 1 month for each month of grant  
 245 or to repay the full amount of the scholarship or stipend  
 246 together with interest at the rate of 5 percent per annum over a  
 247 period not to exceed 10 years. Repayment shall be made payable  
 248 to the state for deposit into the Juvenile Justice Training  
 249 Trust Fund.

250 (b) The department ~~commission~~ may establish the  
 251 scholarship program by rule ~~and implement the program on or~~

HB 4157

2011

252 ~~after July 1, 1996.~~

253 (7) ADOPTION OF RULES.—The department ~~commission~~ shall  
 254 adopt rules as necessary to carry out the provisions of this  
 255 section.

256 (8) PARTICIPATION OF CERTAIN PROGRAMS IN THE STATE RISK  
 257 MANAGEMENT TRUST FUND.—Pursuant to s. 284.30, the Division of  
 258 Risk Management of the Department of Financial Services is  
 259 authorized to insure a private agency, individual, or  
 260 corporation operating a state-owned training school under a  
 261 contract to carry out the purposes and responsibilities of any  
 262 program of the department. The coverage authorized herein shall  
 263 be under the same general terms and conditions as the department  
 264 is insured for its responsibilities under chapter 284.

265 ~~(9) The Juvenile Justice Standards and Training Commission~~  
 266 ~~is terminated on June 30, 2001, and such termination shall be~~  
 267 ~~reviewed by the Legislature prior to that date.~~

268 Section 6. Paragraph (c) of subsection (5) of section  
 269 985.0301, Florida Statutes, is amended to read:

270 985.0301 Jurisdiction.—

271 (5)

272 (c) Notwithstanding ss. 743.07 and 985.455(3), and except  
 273 as provided in s. 985.47, the term of the commitment must be  
 274 until the child is discharged by the department or until he or  
 275 she reaches the age of 21 years. Notwithstanding ss. 743.07,  
 276 985.435, 985.437, 985.439, 985.441, ~~985.445~~, 985.455, and  
 277 985.513, and except as provided in this section and s. 985.47, a  
 278 child may not be held under a commitment from a court under s.  
 279 985.439, s. 985.441(1)(a) or (b), ~~s. 985.445~~, or s. 985.455

HB 4157

2011

280 after becoming 21 years of age.

281 Section 7. Subsection (2) of section 985.47, Florida  
 282 Statutes, is amended to read:

283 985.47 Serious or habitual juvenile offender.—

284 (2) DETERMINATION.—After a child has been adjudicated  
 285 delinquent under s. 985.35, the court shall determine whether  
 286 the child meets the criteria for a serious or habitual juvenile  
 287 offender under subsection (1). If the court determines that the  
 288 child does not meet such criteria, ss. 985.435, 985.437,  
 289 985.439, 985.441, ~~985.445~~, 985.45, and 985.455 shall apply.

290 Section 8. Subsection (2) of section 985.483, Florida  
 291 Statutes, is amended to read:

292 985.483 Intensive residential treatment program for  
 293 offenders less than 13 years of age.—

294 (2) DETERMINATION.—After a child has been adjudicated  
 295 delinquent under s. 985.35(5), the court shall determine whether  
 296 the child is eligible for an intensive residential treatment  
 297 program for offenders less than 13 years of age under subsection  
 298 (1). If the court determines that the child does not meet the  
 299 criteria, ss. 985.435, 985.437, 985.439, 985.441, ~~985.445~~,  
 300 985.45, and 985.455 shall apply.

301 Section 9. Paragraph (b) of subsection (4) of section  
 302 985.565, Florida Statutes, is amended to read:

303 985.565 Sentencing powers; procedures; alternatives for  
 304 juveniles prosecuted as adults.—

305 (4) SENTENCING ALTERNATIVES.—

306 (b) Juvenile sanctions.—For juveniles transferred to adult  
 307 court but who do not qualify for such transfer under s.

HB 4157

2011

308 985.556(3) or s. 985.557(2)(a) or (b), the court may impose  
309 juvenile sanctions under this paragraph. If juvenile sentences  
310 are imposed, the court shall, under this paragraph, adjudge the  
311 child to have committed a delinquent act. Adjudication of  
312 delinquency shall not be deemed a conviction, nor shall it  
313 operate to impose any of the civil disabilities ordinarily  
314 resulting from a conviction. The court shall impose an adult  
315 sanction or a juvenile sanction and may not sentence the child  
316 to a combination of adult and juvenile punishments. An adult  
317 sanction or a juvenile sanction may include enforcement of an  
318 order of restitution or probation previously ordered in any  
319 juvenile proceeding. However, if the court imposes a juvenile  
320 sanction and the department determines that the sanction is  
321 unsuitable for the child, the department shall return custody of  
322 the child to the sentencing court for further proceedings,  
323 including the imposition of adult sanctions. Upon adjudicating a  
324 child delinquent under subsection (1), the court may:

325 1. Place the child in a probation program under the  
326 supervision of the department for an indeterminate period of  
327 time until the child reaches the age of 19 years or sooner if  
328 discharged by order of the court.

329 2. Commit the child to the department for treatment in an  
330 appropriate program for children for an indeterminate period of  
331 time until the child is 21 or sooner if discharged by the  
332 department. The department shall notify the court of its intent  
333 to discharge no later than 14 days prior to discharge. Failure  
334 of the court to timely respond to the department's notice shall  
335 be considered approval for discharge.

HB 4157

2011

336           3. Order disposition under ss. 985.435, 985.437, 985.439,  
337 985.441, ~~985.445~~, 985.45, and 985.455 as an alternative to  
338 youthful offender or adult sentencing if the court determines  
339 not to impose youthful offender or adult sanctions.

340

341 It is the intent of the Legislature that the criteria and  
342 guidelines in this subsection are mandatory and that a  
343 determination of disposition under this subsection is subject to  
344 the right of the child to appellate review under s. 985.534.

345           Section 10. This act shall take effect July 1, 2011.