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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/09/2011	.	
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	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (5) of section 985.02, Florida Statutes, is repealed.

Section 2. Subsection (48) of section 985.03, Florida Statutes, is repealed.

Section 3. Subsection (56) of section 985.03, Florida Statutes, is repealed.

Section 4. Section 985.47, Florida Statutes, is repealed.



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13 Section 5. Section 985.483, Florida Statutes, is repealed.

14 Section 6. Section 985.486, Florida Statutes, is repealed.

15 Section 7. Section 985.636, Florida Statutes, is repealed.

16 Section 8. Section 985.494, Florida Statutes, is amended to
17 read:

18 985.494 Commitment programs for juvenile felony offenders.—

19 (1) Notwithstanding any other law and regardless of the
20 child's age, a child who is adjudicated delinquent, or for whom
21 adjudication is withheld, for an act that would be a felony if
22 committed by an adult, shall be committed to:

23 ~~(a) A program for serious or habitual juvenile offenders~~
24 ~~under s. 985.47 or an intensive residential treatment program~~
25 ~~for offenders less than 13 years of age under s. 985.483, if the~~
26 ~~child has participated in an early delinquency intervention~~
27 ~~program and has completed a sheriff's training and respect~~
28 ~~program.~~

29 ~~(b) a maximum-risk residential program, if the child has~~
30 ~~completed two different high-risk residential commitment~~
31 ~~programs participated in an early delinquency intervention~~
32 ~~program, has completed a sheriff's training and respect program,~~
33 ~~and has completed a program for serious or habitual juvenile~~
34 ~~offenders or an intensive residential treatment program for~~
35 ~~offenders less than 13 years of age. The commitment of a child~~
36 ~~to a maximum-risk residential program must be for an~~
37 ~~indeterminate period, but may not exceed the maximum term of~~
38 ~~imprisonment that an adult may serve for the same offense.~~

39 (2) In committing a child to the appropriate program, the
40 court may consider an equivalent program of similar intensity as
41 being comparable to a program required under subsection (1).



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42 Section 9. Section 985.445, Florida Statutes, is repealed.

43 Section 10. Paragraph (c) of subsection (5) of section
44 985.0301, Florida Statutes, is amended to read:

45 985.0301 Jurisdiction.—

46 (5)

47 (c) Notwithstanding ss. 743.07 and 985.455(3), and except
48 as provided in s. 985.47, the term of the commitment must be
49 until the child is discharged by the department or until he or
50 she reaches the age of 21 years. Notwithstanding ss. 743.07,
51 985.435, 985.437, 985.439, 985.441, ~~985.445~~, 985.455, and
52 985.513, and except as provided in this section and s. 985.47, a
53 child may not be held under a commitment from a court under s.
54 985.439, s. 985.441(1)(a) or (b), ~~s. 985.445~~, or s. 985.455
55 after becoming 21 years of age.

56 Section 11. Subsection (2) of section 985.47, Florida
57 Statutes, is amended to read:

58 985.47 Serious or habitual juvenile offender.—

59 (2) DETERMINATION.—After a child has been adjudicated
60 delinquent under s. 985.35, the court shall determine whether
61 the child meets the criteria for a serious or habitual juvenile
62 offender under subsection (1). If the court determines that the
63 child does not meet such criteria, ss. 985.435, 985.437,
64 985.439, 985.441, ~~985.445~~, 985.45, and 985.455 shall apply.

65 Section 12. Paragraph (b) of subsection (4) of section
66 985.565, Florida Statutes, is amended to read:

67 985.565 Sentencing powers; procedures; alternatives for
68 juveniles prosecuted as adults.—

69 (4) SENTENCING ALTERNATIVES.—

70 (b) *Juvenile sanctions*.—For juveniles transferred to adult



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71 court but who do not qualify for such transfer under s.
72 985.556(3) or s. 985.557(2)(a) or (b), the court may impose
73 juvenile sanctions under this paragraph. If juvenile sentences
74 are imposed, the court shall, under this paragraph, adjudge the
75 child to have committed a delinquent act. Adjudication of
76 delinquency shall not be deemed a conviction, nor shall it
77 operate to impose any of the civil disabilities ordinarily
78 resulting from a conviction. The court shall impose an adult
79 sanction or a juvenile sanction and may not sentence the child
80 to a combination of adult and juvenile punishments. An adult
81 sanction or a juvenile sanction may include enforcement of an
82 order of restitution or probation previously ordered in any
83 juvenile proceeding. However, if the court imposes a juvenile
84 sanction and the department determines that the sanction is
85 unsuitable for the child, the department shall return custody of
86 the child to the sentencing court for further proceedings,
87 including the imposition of adult sanctions. Upon adjudicating a
88 child delinquent under subsection (1), the court may:

89 1. Place the child in a probation program under the
90 supervision of the department for an indeterminate period of
91 time until the child reaches the age of 19 years or sooner if
92 discharged by order of the court.

93 2. Commit the child to the department for treatment in an
94 appropriate program for children for an indeterminate period of
95 time until the child is 21 or sooner if discharged by the
96 department. The department shall notify the court of its intent
97 to discharge no later than 14 days prior to discharge. Failure
98 of the court to timely respond to the department's notice shall
99 be considered approval for discharge.



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100 3. Order disposition under ss. 985.435, 985.437, 985.439,
101 985.441, ~~985.445~~, 985.45, and 985.455 as an alternative to
102 youthful offender or adult sentencing if the court determines
103 not to impose youthful offender or adult sanctions.
104

105 It is the intent of the Legislature that the criteria and
106 guidelines in this subsection are mandatory and that a
107 determination of disposition under this subsection is subject to
108 the right of the child to appellate review under s. 985.534.

109 Section 13. Section 985.66, Florida Statutes, is amended to
110 read:

111 985.66 Juvenile justice training academies; staff
112 development and training; ~~Juvenile Justice Standards and~~
113 ~~Training Commission~~; Juvenile Justice Training Trust Fund.—

114 (1) LEGISLATIVE PURPOSE.—In order to enable the state to
115 provide a systematic approach to staff development and training
116 for judges, state attorneys, public defenders, law enforcement
117 officers, school district personnel, and juvenile justice
118 program staff that will meet the needs of such persons in their
119 discharge of duties while at the same time meeting the
120 requirements for the American Correction Association
121 accreditation by the Commission on Accreditation for
122 Corrections, it is the purpose of the Legislature to require the
123 department to establish, maintain, and oversee the operation of
124 juvenile justice training academies in the state. The purpose of
125 the Legislature in establishing staff development and training
126 programs is to foster better staff morale and reduce
127 mistreatment and aggressive and abusive behavior in delinquency
128 programs; to positively impact the recidivism of children in the



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129 juvenile justice system; and to afford greater protection of the
130 public through an improved level of services delivered by a
131 professionally trained juvenile justice program staff to
132 children who are alleged to be or who have been found to be
133 delinquent.

134 (2) STAFF DEVELOPMENT ~~JUVENILE JUSTICE STANDARDS AND~~
135 ~~TRAINING COMMISSION.~~-

136 ~~(a) There is created under the Department of Juvenile~~
137 ~~Justice the Juvenile Justice Standards and Training Commission,~~
138 ~~hereinafter referred to as the commission. The 17 member~~
139 ~~commission shall consist of the Attorney General or designee,~~
140 ~~the Commissioner of Education or designee, a member of the~~
141 ~~juvenile court judiciary to be appointed by the Chief Justice of~~
142 ~~the Supreme Court, and 14 members to be appointed by the~~
143 ~~Secretary of Juvenile Justice as follows:~~

144 ~~1. Seven members shall be juvenile justice professionals: a~~
145 ~~superintendent or a direct care staff member from an~~
146 ~~institution; a director from a contracted community-based~~
147 ~~program; a superintendent and a direct care staff member from a~~
148 ~~regional detention center or facility; a juvenile probation~~
149 ~~officer supervisor and a juvenile probation officer; and a~~
150 ~~director of a day treatment or conditional release program. No~~
151 ~~fewer than three of these members shall be contract providers.~~

152 ~~2. Two members shall be representatives of local law~~
153 ~~enforcement agencies.~~

154 ~~3. One member shall be an educator from the state's~~
155 ~~university and community college program of criminology,~~
156 ~~criminal justice administration, social work, psychology,~~
157 ~~sociology, or other field of study pertinent to the training of~~



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158 ~~juvenile justice program staff.~~

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

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

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

164 ~~7. One member shall be a representative of the business~~
165 ~~community.~~

166

167 ~~All appointed members shall be appointed to serve terms of 2~~
168 ~~years.~~

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

174 ~~(c) The Department of Juvenile Justice shall provide the~~
175 ~~commission with staff necessary to assist the commission in the~~
176 ~~performance of its duties.~~

177 ~~(d) The commission shall annually elect its chairperson and~~
178 ~~other officers. The commission shall hold at least four regular~~
179 ~~meetings each year at the call of the chairperson or upon the~~
180 ~~written request of three members of the commission. A majority~~
181 ~~of the members of the commission constitutes a quorum. Members~~
182 ~~of the commission shall serve without compensation but are~~
183 ~~entitled to be reimbursed for per diem and travel expenses as~~
184 ~~provided by s. 112.061 and these expenses shall be paid from the~~
185 ~~Juvenile Justice Training Trust Fund.~~

186 ~~(e) The department powers, duties, and functions of the~~



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187 ~~commission shall be to:~~

188 (a)1. Designate the location of the training academies;
189 develop, implement, maintain, and update the curriculum to be
190 used in the training of juvenile justice program staff;
191 establish timeframes for participation in and completion of
192 training by juvenile justice program staff; develop, implement,
193 maintain, and update job-related examinations; develop,
194 implement, and update the types and frequencies of evaluations
195 of the training academies; approve, modify, or disapprove the
196 budget for the training academies, and the contractor to be
197 selected to organize and operate the training academies and to
198 provide the training curriculum.

199 (b)2. Establish uniform minimum job-related training
200 courses and examinations for juvenile justice program staff.

201 (c)3. Consult and cooperate with the state or any political
202 subdivision; any private entity or contractor; and with private
203 and public universities, colleges, community colleges, and other
204 educational institutions concerning the development of juvenile
205 justice training and programs or courses of instruction,
206 including, but not limited to, education and training in the
207 areas of juvenile justice.

208 (d)4. Enter into ~~With the approval of the department, make~~
209 ~~and enter into such~~ contracts and agreements with other
210 agencies, organizations, associations, corporations,
211 individuals, or federal agencies as ~~the commission determines~~
212 ~~are~~ necessary in the execution of the its powers of the
213 department or the performance of its duties.

214 ~~5. Make recommendations to the Department of Juvenile~~
215 ~~Justice concerning any matter within the purview of this~~



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216 ~~section.~~

217 (3) JUVENILE JUSTICE TRAINING PROGRAM.—The department
218 ~~commission~~ shall establish a certifiable program for juvenile
219 justice training pursuant to this section, and all department
220 program staff and providers who deliver direct care services
221 pursuant to contract with the department shall be required to
222 participate in and successfully complete the department-approved
223 ~~commission-approved~~ program of training pertinent to their areas
224 of responsibility. Judges, state attorneys, and public
225 defenders, law enforcement officers, and school district
226 personnel may participate in such training program. For the
227 juvenile justice program staff, the department ~~commission~~ shall,
228 based on a job-task analysis:

229 (a) Design, implement, maintain, evaluate, and revise a
230 basic training program, including a competency-based
231 examination, for the purpose of providing minimum employment
232 training qualifications for all juvenile justice personnel. All
233 program staff of the department and providers who deliver
234 direct-care services who are hired after October 1, 1999, must
235 meet the following minimum requirements:

236 1. Be at least 19 years of age.

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

239 3. Not have been convicted of any felony or a misdemeanor
240 involving perjury or a false statement, or have received a
241 dishonorable discharge from any of the Armed Forces of the
242 United States. Any person who, after September 30, 1999, pleads
243 guilty or nolo contendere to or is found guilty of any felony or
244 a misdemeanor involving perjury or false statement is not



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245 eligible for employment, notwithstanding suspension of sentence
246 or withholding of adjudication. Notwithstanding this
247 subparagraph, any person who pled nolo contendere to a
248 misdemeanor involving a false statement before October 1, 1999,
249 and who has had such record of that plea sealed or expunged is
250 not ineligible for employment for that reason.

251 4. Abide by all the provisions of s. 985.644(1) regarding
252 fingerprinting and background investigations and other screening
253 requirements for personnel.

254 5. Execute and submit to the department an affidavit-of-
255 application form, adopted by the department, attesting to his or
256 her compliance with subparagraphs 1.-4. The affidavit must be
257 executed under oath and constitutes an official statement under
258 s. 837.06. The affidavit must include conspicuous language that
259 the intentional false execution of the affidavit constitutes a
260 misdemeanor of the second degree. The employing agency shall
261 retain the affidavit.

262 (b) Design, implement, maintain, evaluate, and revise an
263 advanced training program, including a competency-based
264 examination for each training course, which is intended to
265 enhance knowledge, skills, and abilities related to job
266 performance.

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

271 (d) The department ~~commission~~ is encouraged to design,
272 implement, maintain, evaluate, and revise juvenile justice
273 training courses, or to enter into contracts for such training



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274 courses, that are intended to provide for the safety and well-
275 being of both citizens and juvenile offenders.

276 (4) JUVENILE JUSTICE TRAINING TRUST FUND.—

277 (a) There is created within the State Treasury a Juvenile
278 Justice Training Trust Fund to be used by the department ~~of~~
279 ~~Juvenile Justice~~ for the purpose of funding the development and
280 updating of a job-task analysis of juvenile justice personnel;
281 the development, implementation, and updating of job-related
282 training courses and examinations; and the cost of ~~commission-~~
283 ~~approved~~ juvenile justice training courses; ~~and reimbursement~~
284 ~~for expenses as provided in s. 112.061 for members of the~~
285 ~~commission and staff.~~

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

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

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

295 (5) ESTABLISHMENT OF JUVENILE JUSTICE TRAINING ACADEMIES.—
296 The number, location, and establishment of juvenile justice
297 training academies shall be determined by the department
298 ~~commission.~~

299 (6) SCHOLARSHIPS AND STIPENDS.—

300 (a) By rule, the department ~~commission~~ shall establish
301 criteria to award scholarships or stipends to qualified juvenile
302 justice personnel who are residents of the state who want to



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303 pursue a bachelor's or associate in arts degree in juvenile
304 justice or a related field. The department shall handle the
305 administration of the scholarship or stipend. The Department of
306 Education shall handle the notes issued for the payment of the
307 scholarships or stipends. All scholarship and stipend awards
308 shall be paid from the Juvenile Justice Training Trust Fund upon
309 vouchers approved by the Department of Education and properly
310 certified by the Chief Financial Officer. Prior to the award of
311 a scholarship or stipend, the juvenile justice employee must
312 agree in writing to practice her or his profession in juvenile
313 justice or a related field for 1 month for each month of grant
314 or to repay the full amount of the scholarship or stipend
315 together with interest at the rate of 5 percent per annum over a
316 period not to exceed 10 years. Repayment shall be made payable
317 to the state for deposit into the Juvenile Justice Training
318 Trust Fund.

319 (b) The department ~~commission~~ may establish the scholarship
320 program by rule ~~and implement the program on or after July 1,~~
321 ~~1996.~~

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

325 (8) PARTICIPATION OF CERTAIN PROGRAMS IN THE STATE RISK
326 MANAGEMENT TRUST FUND.—Pursuant to s. 284.30, the Division of
327 Risk Management of the Department of Financial Services is
328 authorized to insure a private agency, individual, or
329 corporation operating a state-owned training school under a
330 contract to carry out the purposes and responsibilities of any
331 program of the department. The coverage authorized herein shall



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332 be under the same general terms and conditions as the department
333 is insured for its responsibilities under chapter 284.

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

337 Section 14. Subsection (8) of section 985.48, Florida
338 Statutes, is repealed.

339 Section 15. This act shall take effect July 1, 2011.

340
341 ===== T I T L E A M E N D M E N T =====

342 And the title is amended as follows:

343
344 Delete everything before the enacting clause
345 and insert:

346 A bill to be entitled
347 An act relating to juvenile justice; repealing ss.
348 985.02(5), 985.03(48), 985.03(56), 985.47, 985.483,
349 985.486, and 985.636, F.S., relating to, respectively,
350 legislative intent for serious or habitual juvenile
351 offenders in the juvenile justice system, definitions
352 of terms for a training school and the serious or
353 habitual juvenile offender program, the serious or
354 habitual juvenile offender program in the juvenile
355 justice system, the intensive residential treatment
356 program for offenders less than 13 years of age, and
357 the designation of persons holding law enforcement
358 certification within the Office of the Inspector
359 General to act as law enforcement officers; amending
360 s. 985.494, F.S.; requiring a child who is adjudicated



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361 delinquent, or for whom adjudication is withheld, to
362 be committed to a maximum-risk residential program for
363 an act that would be a felony if committed by an adult
364 if the child has completed two different high-risk
365 residential commitment programs; repealing s. 985.445,
366 F.S., relating to cases involving grand theft of a
367 motor vehicle committed by a child; amending ss.
368 985.0301, 985.47, and 985.565, F.S.; conforming
369 references to changes made by the act; amending s.
370 985.66, F.S.; removing all references to the Juvenile
371 Justice Standards and Training Commission; requiring
372 the Department of Juvenile Justice to be responsible
373 for staff development and training; specifying the
374 duties and responsibilities of the department for
375 staff development and training; removing obsolete
376 provisions to conform to changes made by the act;
377 repealing s. 985.48(8), F.S., relating to activities
378 of the Juvenile Justice Standards and Training
379 Commission with respect to training and treatment
380 services for juvenile sexual offenders; providing an
381 effective date.