

By the Committee on Criminal Justice; and Senator Evers

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1 A bill to be entitled
2 An act relating to juvenile justice; repealing ss.
3 985.02(5), 985.03(48), 985.03(56), 985.47, 985.483,
4 985.486, and 985.636, F.S., relating to, respectively,
5 legislative intent for serious or habitual juvenile
6 offenders in the juvenile justice system, definitions
7 of terms for a training school and the serious or
8 habitual juvenile offender program, the serious or
9 habitual juvenile offender program in the juvenile
10 justice system, the intensive residential treatment
11 program for offenders less than 13 years of age, and
12 the designation of persons holding law enforcement
13 certification within the Office of the Inspector
14 General to act as law enforcement officers; amending
15 s. 985.494, F.S.; requiring a child who is adjudicated
16 delinquent, or for whom adjudication is withheld, to
17 be committed to a maximum-risk residential program for
18 an act that would be a felony if committed by an adult
19 if the child has completed two different high-risk
20 residential commitment programs; repealing s. 985.445,
21 F.S., relating to cases involving grand theft of a
22 motor vehicle committed by a child; amending ss.
23 985.0301, 985.47, and 985.565, F.S.; conforming
24 references to changes made by the act; amending s.
25 985.66, F.S.; removing all references to the Juvenile
26 Justice Standards and Training Commission; requiring
27 the Department of Juvenile Justice to be responsible
28 for staff development and training; specifying the
29 duties and responsibilities of the department for

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30 staff development and training; removing obsolete
31 provisions to conform to changes made by the act;
32 repealing s. 985.48(8), F.S., relating to activities
33 of the Juvenile Justice Standards and Training
34 Commission with respect to training and treatment
35 services for juvenile sexual offenders; providing an
36 effective date.

37
38 Be It Enacted by the Legislature of the State of Florida:

39
40 Section 1. Subsection (5) of section 985.02, Florida
41 Statutes, is repealed.

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43 Statutes, is repealed.

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45 Statutes, is repealed.

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 Section 985.47, Florida Statutes, is repealed.

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 Section 985.483, Florida Statutes, is repealed.

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

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

50 Section 8. Section 985.494, Florida Statutes, is amended to
51 read:

52 985.494 Commitment programs for juvenile felony offenders.—

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

57 ~~(a) A program for serious or habitual juvenile offenders~~
58 ~~under s. 985.47 or an intensive residential treatment program~~

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59 ~~for offenders less than 13 years of age under s. 985.483, if the~~
60 ~~child has participated in an early delinquency intervention~~
61 ~~program and has completed a sheriff's training and respect~~
62 ~~program.~~

63 ~~(b) a maximum-risk residential program, if the child has~~
64 ~~completed two different high-risk residential commitment~~
65 ~~programs participated in an early delinquency intervention~~
66 ~~program, has completed a sheriff's training and respect program,~~
67 ~~and has completed a program for serious or habitual juvenile~~
68 ~~offenders or an intensive residential treatment program for~~
69 ~~offenders less than 13 years of age. The commitment of a child~~
70 ~~to a maximum-risk residential program must be for an~~
71 ~~indeterminate period, but may not exceed the maximum term of~~
72 ~~imprisonment that an adult may serve for the same offense.~~

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

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

77 Section 10. Paragraph (c) of subsection (5) of section
78 985.0301, Florida Statutes, is amended to read:

79 985.0301 Jurisdiction.-

80 (5)

81 (c) Notwithstanding ss. 743.07 and 985.455(3), and except
82 as provided in s. 985.47, the term of the commitment must be
83 until the child is discharged by the department or until he or
84 she reaches the age of 21 years. Notwithstanding ss. 743.07,
85 985.435, 985.437, 985.439, 985.441, ~~985.445,~~ 985.455, and
86 985.513, and except as provided in this section and s. 985.47, a
87 child may not be held under a commitment from a court under s.

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88 985.439, s. 985.441(1)(a) or (b), ~~s. 985.445~~, or s. 985.455
89 after becoming 21 years of age.

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

92 985.47 Serious or habitual juvenile offender.—

93 (2) DETERMINATION.—After a child has been adjudicated
94 delinquent under s. 985.35, the court shall determine whether
95 the child meets the criteria for a serious or habitual juvenile
96 offender under subsection (1). If the court determines that the
97 child does not meet such criteria, ss. 985.435, 985.437,
98 985.439, 985.441, ~~985.445~~, 985.45, and 985.455 shall apply.

99 Section 12. Paragraph (b) of subsection (4) of section
100 985.565, Florida Statutes, is amended to read:

101 985.565 Sentencing powers; procedures; alternatives for
102 juveniles prosecuted as adults.—

103 (4) SENTENCING ALTERNATIVES.—

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

106 985.556(3) or s. 985.557(2)(a) or (b), the court may impose
107 juvenile sanctions under this paragraph. If juvenile sentences
108 are imposed, the court shall, under this paragraph, adjudge the
109 child to have committed a delinquent act. Adjudication of
110 delinquency shall not be deemed a conviction, nor shall it
111 operate to impose any of the civil disabilities ordinarily
112 resulting from a conviction. The court shall impose an adult
113 sanction or a juvenile sanction and may not sentence the child
114 to a combination of adult and juvenile punishments. An adult
115 sanction or a juvenile sanction may include enforcement of an
116 order of restitution or probation previously ordered in any

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117 juvenile proceeding. However, if the court imposes a juvenile
118 sanction and the department determines that the sanction is
119 unsuitable for the child, the department shall return custody of
120 the child to the sentencing court for further proceedings,
121 including the imposition of adult sanctions. Upon adjudicating a
122 child delinquent under subsection (1), the court may:

123 1. Place the child in a probation program under the
124 supervision of the department for an indeterminate period of
125 time until the child reaches the age of 19 years or sooner if
126 discharged by order of the court.

127 2. Commit the child to the department for treatment in an
128 appropriate program for children for an indeterminate period of
129 time until the child is 21 or sooner if discharged by the
130 department. The department shall notify the court of its intent
131 to discharge no later than 14 days prior to discharge. Failure
132 of the court to timely respond to the department's notice shall
133 be considered approval for discharge.

134 3. Order disposition under ss. 985.435, 985.437, 985.439,
135 985.441, ~~985.445~~, 985.45, and 985.455 as an alternative to
136 youthful offender or adult sentencing if the court determines
137 not to impose youthful offender or adult sanctions.

138

139 It is the intent of the Legislature that the criteria and
140 guidelines in this subsection are mandatory and that a
141 determination of disposition under this subsection is subject to
142 the right of the child to appellate review under s. 985.534.

143 Section 13. Section 985.66, Florida Statutes, is amended to
144 read:

145 985.66 Juvenile justice training academies; staff

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146 development and training; ~~Juvenile Justice Standards and~~
147 ~~Training Commission;~~ Juvenile Justice Training Trust Fund.—

148 (1) LEGISLATIVE PURPOSE.—In order to enable the state to
149 provide a systematic approach to staff development and training
150 for judges, state attorneys, public defenders, law enforcement
151 officers, school district personnel, and juvenile justice
152 program staff that will meet the needs of such persons in their
153 discharge of duties while at the same time meeting the
154 requirements for the American Correction Association
155 accreditation by the Commission on Accreditation for
156 Corrections, it is the purpose of the Legislature to require the
157 department to establish, maintain, and oversee the operation of
158 juvenile justice training academies in the state. The purpose of
159 the Legislature in establishing staff development and training
160 programs is to foster better staff morale and reduce
161 mistreatment and aggressive and abusive behavior in delinquency
162 programs; to positively impact the recidivism of children in the
163 juvenile justice system; and to afford greater protection of the
164 public through an improved level of services delivered by a
165 professionally trained juvenile justice program staff to
166 children who are alleged to be or who have been found to be
167 delinquent.

168 (2) STAFF DEVELOPMENT ~~JUVENILE JUSTICE STANDARDS AND~~
169 ~~TRAINING COMMISSION.~~—

170 ~~(a) There is created under the Department of Juvenile~~
171 ~~Justice the Juvenile Justice Standards and Training Commission,~~
172 ~~hereinafter referred to as the commission. The 17-member~~
173 ~~commission shall consist of the Attorney General or designee,~~
174 ~~the Commissioner of Education or designee, a member of the~~

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175 ~~juvenile court judiciary to be appointed by the Chief Justice of~~
176 ~~the Supreme Court, and 14 members to be appointed by the~~
177 ~~Secretary of Juvenile Justice as follows:~~

178 ~~1. Seven members shall be juvenile justice professionals: a~~
179 ~~superintendent or a direct care staff member from an~~
180 ~~institution; a director from a contracted community-based~~
181 ~~program; a superintendent and a direct care staff member from a~~
182 ~~regional detention center or facility; a juvenile probation~~
183 ~~officer supervisor and a juvenile probation officer; and a~~
184 ~~director of a day treatment or conditional release program. No~~
185 ~~fewer than three of these members shall be contract providers.~~

186 ~~2. Two members shall be representatives of local law~~
187 ~~enforcement agencies.~~

188 ~~3. One member shall be an educator from the state's~~
189 ~~university and community college program of criminology,~~
190 ~~criminal justice administration, social work, psychology,~~
191 ~~sociology, or other field of study pertinent to the training of~~
192 ~~juvenile justice program staff.~~

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

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

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

198 ~~7. One member shall be a representative of the business~~
199 ~~community.~~

200
201 ~~All appointed members shall be appointed to serve terms of 2~~
202 ~~years.~~

203 ~~(b) The composition of the commission shall be broadly~~

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204 ~~reflective of the public and shall include minorities and women.~~
205 ~~The term "minorities" as used in this paragraph means a member~~
206 ~~of a socially or economically disadvantaged group that includes~~
207 ~~blacks, Hispanics, and American Indians.~~

208 ~~(c) The Department of Juvenile Justice shall provide the~~
209 ~~commission with staff necessary to assist the commission in the~~
210 ~~performance of its duties.~~

211 ~~(d) The commission shall annually elect its chairperson and~~
212 ~~other officers. The commission shall hold at least four regular~~
213 ~~meetings each year at the call of the chairperson or upon the~~
214 ~~written request of three members of the commission. A majority~~
215 ~~of the members of the commission constitutes a quorum. Members~~
216 ~~of the commission shall serve without compensation but are~~
217 ~~entitled to be reimbursed for per diem and travel expenses as~~
218 ~~provided by s. 112.061 and these expenses shall be paid from the~~
219 ~~Juvenile Justice Training Trust Fund.~~

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

222 ~~(a)1-~~ (a)1- Designate the location of the training academies;
223 develop, implement, maintain, and update the curriculum to be
224 used in the training of juvenile justice program staff;
225 establish timeframes for participation in and completion of
226 training by juvenile justice program staff; develop, implement,
227 maintain, and update job-related examinations; develop,
228 implement, and update the types and frequencies of evaluations
229 of the training academies; approve, modify, or disapprove the
230 budget for the training academies, and the contractor to be
231 selected to organize and operate the training academies and to
232 provide the training curriculum.

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

235 (c)3. Consult and cooperate with the state or any political
236 subdivision; any private entity or contractor; and with private
237 and public universities, colleges, community colleges, and other
238 educational institutions concerning the development of juvenile
239 justice training and programs or courses of instruction,
240 including, but not limited to, education and training in the
241 areas of juvenile justice.

242 (d)4. ~~Enter into~~ With the approval of the department, make
243 ~~and enter into such~~ contracts and agreements with other
244 agencies, organizations, associations, corporations,
245 individuals, or federal agencies as ~~the commission determines~~
246 are necessary in the execution of the its powers of the
247 department or the performance of its duties.

248 ~~5. Make recommendations to the Department of Juvenile~~
249 ~~Justice concerning any matter within the purview of this~~
250 ~~section.~~

251 (3) JUVENILE JUSTICE TRAINING PROGRAM.—The department
252 ~~commission~~ shall establish a certifiable program for juvenile
253 justice training pursuant to this section, and all department
254 program staff and providers who deliver direct care services
255 pursuant to contract with the department shall be required to
256 participate in and successfully complete the department-approved
257 ~~commission-approved~~ program of training pertinent to their areas
258 of responsibility. Judges, state attorneys, and public
259 defenders, law enforcement officers, and school district
260 personnel may participate in such training program. For the
261 juvenile justice program staff, the department ~~commission~~ shall,

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262 based on a job-task analysis:

263 (a) Design, implement, maintain, evaluate, and revise a
264 basic training program, including a competency-based
265 examination, for the purpose of providing minimum employment
266 training qualifications for all juvenile justice personnel. All
267 program staff of the department and providers who deliver
268 direct-care services who are hired after October 1, 1999, must
269 meet the following minimum requirements:

270 1. Be at least 19 years of age.

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

273 3. Not have been convicted of any felony or a misdemeanor
274 involving perjury or a false statement, or have received a
275 dishonorable discharge from any of the Armed Forces of the
276 United States. Any person who, after September 30, 1999, pleads
277 guilty or nolo contendere to or is found guilty of any felony or
278 a misdemeanor involving perjury or false statement is not
279 eligible for employment, notwithstanding suspension of sentence
280 or withholding of adjudication. Notwithstanding this
281 subparagraph, any person who pled nolo contendere to a
282 misdemeanor involving a false statement before October 1, 1999,
283 and who has had such record of that plea sealed or expunged is
284 not ineligible for employment for that reason.

285 4. Abide by all the provisions of s. 985.644(1) regarding
286 fingerprinting and background investigations and other screening
287 requirements for personnel.

288 5. Execute and submit to the department an affidavit-of-
289 application form, adopted by the department, attesting to his or
290 her compliance with subparagraphs 1.-4. The affidavit must be

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291 executed under oath and constitutes an official statement under
292 s. 837.06. The affidavit must include conspicuous language that
293 the intentional false execution of the affidavit constitutes a
294 misdemeanor of the second degree. The employing agency shall
295 retain the affidavit.

296 (b) Design, implement, maintain, evaluate, and revise an
297 advanced training program, including a competency-based
298 examination for each training course, which is intended to
299 enhance knowledge, skills, and abilities related to job
300 performance.

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

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

310 (4) JUVENILE JUSTICE TRAINING TRUST FUND.—

311 (a) There is created within the State Treasury a Juvenile
312 Justice Training Trust Fund to be used by the department ~~of~~
313 ~~Juvenile Justice~~ for the purpose of funding the development and
314 updating of a job-task analysis of juvenile justice personnel;
315 the development, implementation, and updating of job-related
316 training courses and examinations; and the cost of ~~commission-~~
317 ~~approved~~ juvenile justice training courses; ~~and reimbursement~~
318 ~~for expenses as provided in s. 112.061 for members of the~~
319 ~~commission and staff.~~

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

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

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

329 (5) ESTABLISHMENT OF JUVENILE JUSTICE TRAINING ACADEMIES.—
330 The number, location, and establishment of juvenile justice
331 training academies shall be determined by the department
332 ~~commission~~.

333 (6) SCHOLARSHIPS AND STIPENDS.—

334 (a) By rule, the department ~~commission~~ shall establish
335 criteria to award scholarships or stipends to qualified juvenile
336 justice personnel who are residents of the state who want to
337 pursue a bachelor's or associate in arts degree in juvenile
338 justice or a related field. The department shall handle the
339 administration of the scholarship or stipend. The Department of
340 Education shall handle the notes issued for the payment of the
341 scholarships or stipends. All scholarship and stipend awards
342 shall be paid from the Juvenile Justice Training Trust Fund upon
343 vouchers approved by the Department of Education and properly
344 certified by the Chief Financial Officer. Prior to the award of
345 a scholarship or stipend, the juvenile justice employee must
346 agree in writing to practice her or his profession in juvenile
347 justice or a related field for 1 month for each month of grant
348 or to repay the full amount of the scholarship or stipend

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349 together with interest at the rate of 5 percent per annum over a
350 period not to exceed 10 years. Repayment shall be made payable
351 to the state for deposit into the Juvenile Justice Training
352 Trust Fund.

353 (b) The department ~~commission~~ may establish the scholarship
354 program by rule ~~and implement the program on or after July 1,~~
355 ~~1996.~~

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

359 (8) PARTICIPATION OF CERTAIN PROGRAMS IN THE STATE RISK
360 MANAGEMENT TRUST FUND.—Pursuant to s. 284.30, the Division of
361 Risk Management of the Department of Financial Services is
362 authorized to insure a private agency, individual, or
363 corporation operating a state-owned training school under a
364 contract to carry out the purposes and responsibilities of any
365 program of the department. The coverage authorized herein shall
366 be under the same general terms and conditions as the department
367 is insured for its responsibilities under chapter 284.

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

371 Section 14. Subsection (8) of section 985.48, Florida
372 Statutes, is repealed.

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