

Criminal & Civil Justice Policy Council

Tuesday March 9, 2010

11:00 AM

404 HOB

**Larry Cretul
Speaker**

**William Snyder
Chair**

Council Meeting Notice
HOUSE OF REPRESENTATIVES

Criminal & Civil Justice Policy Council

Start Date and Time: Tuesday, March 09, 2010 11:00 am
End Date and Time: Tuesday, March 09, 2010 12:00 pm
Location: 404 HOB
Duration: 1.00 hrs

Consideration of the following bill(s):

HB 689 Negligence by Aubuchon
HB 985 Peddling at Camp Meetings by Van Zant

Consideration of the following proposed council bill(s):

PCB CCJP 10-05 -- Juvenile Justice Repealer

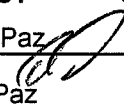

NOTICE FINALIZED on 03/05/2010 16:17 by Jones.Missy

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 689 Negligence

SPONSOR(S): Aubuchon and others

TIED BILLS: IDEN./SIM. BILLS: SB 1224

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Civil Justice & Courts Policy Committee	11 Y, 2 N	De La Paz 	De La Paz
2)	Criminal & Civil Justice Policy Council		De la Paz	Havlicak 
3)				
4)				
5)				

SUMMARY ANALYSIS

HB 689 repeals s. 768.0710, F.S. relating to the burden of proof in "slip and fall" claims of negligence and approximates the law with respect to slip and fall law suits as it existed before 2001.

HB 689 provides that if a person slips and falls on a transitory foreign substance in a business establishment, the injured person must prove that the business establishment had actual or constructive knowledge of the dangerous condition and should have taken action to remedy it. Under the bill constructive knowledge may be proven by circumstantial evidence showing either (1) that the dangerous condition existed for such a length of time that, in the exercise of ordinary care, the business establishment should have known of the condition; or (2) that the condition occurred with regularity and was therefore foreseeable.

This bill does not appear to have a fiscal impact on state or local governments.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Business owners owe a duty to their customers to use reasonable care in maintaining their premises in a safe condition. Prior to 2001, when a person slipped and fell on a transitory foreign substance, the injured person had to prove that the business had actual or constructive knowledge of the dangerous condition and "that the condition existed for such a length of time that in the exercise of ordinary care, the premises owner should have known of it and taken action to remedy it." Constructive knowledge could be established by circumstantial evidence showing that: (1) the dangerous condition existed for such a length of time that in the exercise of ordinary care, the premises owner should have known of the condition; or (2) the condition occurred with regularity and was therefore foreseeable.

In Owens v. Publix Supermarkets, Inc., decided in 2001, the Florida Supreme Court changed the standard of proof in slip-and-fall cases.¹ The Court concluded that "premises liability cases involving transitory foreign substances are appropriate cases for shifting the burden to the premises owner or operator to establish that it exercised reasonable care under the circumstances, eliminating the specific requirement that the customer establish that the store had constructive knowledge of its existence in order for the case to be presented to the jury."² The new standard adopted by the Court was that "the existence of a foreign substance on the floor of a business premises that causes a customer to fall and be injured is not a safe condition, and the existence of that unsafe condition creates a rebuttable presumption that the premises owner did not maintain the premises in a reasonably safe condition."³

In 2002, the Legislature adopted s. 768.0710, F.S., in response to the Owens decision. This statute recognizes that a business owes a duty of reasonable care to its customers to maintain "the premises free from transitory foreign objects or substances that might foreseeably give rise to loss, injury, or damage."⁴ However, the statute requires a claimant to prove:

- The business owed a duty to the claimant;
- The business acted negligently by failing to exercise reasonable care (but the claimant does not have to show the business had actual or constructive notice of the object); and
- The failure to exercise reasonable care by the business was the cause of the loss, injury, or

¹ Owens v. Publix Supermarket, Inc., 802 So.2d 315 (Fla. 2001).

² Id. at 331.

³ Id.

⁴ Section 768.0710(1), F.S.

damage.

Proposed Changes

HB 689 repeals s. 768.0710, F.S. and approximates the law with respect to slip and fall suits as it existed before 2001.

HB 689 provides that if a person slips and falls on a transitory foreign substance in a business establishment, the injured person must prove that the business establishment had actual or constructive knowledge of the dangerous condition and should have taken action to remedy it. Under the bill constructive knowledge may be proven by circumstantial evidence showing either (1) that the dangerous condition existed for such a length of time that, in the exercise of ordinary care, the business establishment should have known of the condition; or (2) that the condition occurred with regularity and was therefore foreseeable.

B. SECTION DIRECTORY:

Section 1. Creates 768.0755, F.S., relating to premises liability for transitory foreign substances in a business establishment.

Section 2. Repeals s. 768.0710, F.S., relating to the duty to maintain premises in a reasonably safe condition for the safety of business invitees.

Section 3. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill may affect the outcome of litigation in slip and fall suits in a manner that is more frequently favorable to business establishments than under the current law.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to require counties or cities to: spend funds or take action requiring the expenditure of funds; reduce the authority of counties or cities to raises revenues in the aggregate; or reduce the percentage of a state tax shared with counties or cities.

2. Other:

N/A.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to negligence; creating s. 768.0755, F.S.;
 3 providing that if a person slips and falls on a transitory
 4 foreign substance in a business establishment, the injured
 5 person must prove that the business establishment had
 6 actual or constructive knowledge of the condition and
 7 should have taken action to remedy it; providing that
 8 constructive knowledge may be proven by circumstantial
 9 evidence; repealing s. 768.0710, F.S., relating to the
 10 duty to maintain premises and the burden of proof in
 11 claims of negligence involving transitory foreign objects
 12 or substances; providing an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Section 768.0755, Florida Statutes, is created
 17 to read:

18 768.0755 Premises liability for transitory foreign
 19 substances in a business establishment.-If a person slips and
 20 falls on a transitory foreign substance in a business
 21 establishment, the injured person must prove that the business
 22 establishment had actual or constructive knowledge of the
 23 dangerous condition and should have taken action to remedy it.
 24 Constructive knowledge may be proven by circumstantial evidence
 25 showing that:

26 (1) The dangerous condition existed for such a length of
 27 time that, in the exercise of ordinary care, the business
 28 establishment should have known of the condition; or

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29 (2) The condition occurred with regularity and was
30 therefore foreseeable.

31 Section 2. Section 768.0710, Florida Statutes, is
32 repealed.

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

768.0710 Burden of proof in claims of negligence involving transitory foreign objects or substances against persons or entities in possession or control of business premises.—

(1) The person or entity in possession or control of business premises owes a duty of reasonable care to maintain the premises in a reasonably safe condition for the safety of business invitees on the premises, which includes reasonable efforts to keep the premises free from transitory foreign objects or substances that might foreseeably give rise to loss, injury, or damage.

(2) In any civil action for negligence involving loss, injury, or damage to a business invitee as a result of a transitory foreign object or substance on business premises, the claimant shall have the burden of proving that:

(a) The person or entity in possession or control of the business premises owed a duty to the claimant;

(b) The person or entity in possession or control of the business premises acted negligently by failing to exercise reasonable care in the maintenance, inspection, repair, warning, or mode of operation of the business premises. Actual or constructive notice of the transitory foreign object or substance is not a required element of proof to this claim. However, evidence of notice or lack of notice offered by any party may be considered together with all of the evidence; and

(c) The failure to exercise reasonable care was a legal cause of the loss, injury, or damage.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 985
SPONSOR(S): Van Zant
TIED BILLS:

Peddling at Camp Meetings

IDEN./SIM. BILLS: SB 2128

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Criminal & Civil Justice Policy Council		Mato <i>RAM</i>	Havlicak <i>RH</i>
2)				
3)				
4)				
5)				

SUMMARY ANALYSIS

The bill repeals a ban on peddling merchandise and refreshments, or, without permission, establishing gaming, shows, or exhibits within one mile of a camp meeting for religious purposes.

The bill appears to have no fiscal impact.

The bill takes effect July 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation:

Section 871.03, F.S. prohibits hawking or peddling goods, wares, merchandise, or without permission from the authorities having charge of such meeting, establishing any tent or booth for vending of provisions or refreshments, or practices or engages in gaming or horseracing, or exhibits, or offers to exhibit, shows or plays within one mile of camp or field meetings for religious purposes. It makes any of these activities a second degree misdemeanor, but makes an exception for any person having his or her regular place of business within the one mile boundary.

The statute was created in 1868. There have been no substantive amendments to the statute in the last eighty years.

A camp meeting is a religious gathering that originated in the 18th century on the American Frontier in response to the limited number of places of worship and clergy. The meetings would last for days or weeks and require participants to camp at the location of the religious service.¹ Camp meetings still occur today in certain Christian denominations.²

Effect of the bill:

The bill repeals s. 871.03, F.S.

B. SECTION DIRECTORY:

Section 1 – repeals s. 871.03, F.S., relating to peddling at camp meetings.

Section 2 – Provides and effective date of July 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

¹ Camp Meeting. Available at: http://en.wikipedia.org/wiki/Camp_meeting

² Christian Camp Conference and Association. Available at: <http://www.ccca.org/>

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure to funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

HB 985

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A bill to be entitled
An act relating to peddling at camp meetings; repealing s.
871.03, F.S., relating to peddling at or within a
specified distance of any camp or field meeting held for
religious purposes; providing an effective date.

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

Section 1. Section 871.03, Florida Statutes, is repealed.
Section 2. This act shall take effect July 1, 2010.

871.03 Peddling at camp meeting.—Whoever during the time of holding any camp or field meeting for religious purposes, and within 1 mile of the place of holding such meeting, hawks or peddles goods, wares, merchandise, or without permission from the authorities having charge of such meeting, establishes any tent or booth for vending of provisions or refreshments, or practices or engages in gaming or horseracing, or exhibits, or offers to exhibit, shows or plays shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.083; but a person having his or her usual and regular place of business within such limits is not hereby required to suspend the business.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB CCJP 10-05 Juvenile Justice
SPONSOR(S): Criminal & Civil Justice Policy Council
TIED BILLS: IDEN./SIM. BILLS:

Table with 4 columns: REFERENCE, ACTION, ANALYST, STAFF DIRECTOR. Row 1: Orig. Comm.: Criminal & Civil Justice Policy Council, Analyst: Mato, Staff Director: Havlicak. Rows 2-6 are numbered 1) through 5) with blank lines.

SUMMARY ANALYSIS

The bill removes references to the Juvenile Justice Standards and Training Commission, which sunsetted in 2001, and provides that the Department of Juvenile Justice is responsible for staff development and training at delinquency programs owned and operated by the Department.

Juvenile Justice Standards and Training Commission (the Commission) was created to provide a systematic approach to staff development and training for judges, state attorneys, public defenders, law enforcement officers, school district personnel, and juvenile justice program staff. The Commission was created under the Department of Juvenile Justice (the Department). The purpose of the Legislature in creating the Commission was to foster better staff morale and reduce mistreatment and aggressive and abusive behavior in delinquency programs.

Since the Commission sunsetted in 2001, the Department of Juvenile Justice has assumed all of the duties of the Commission.

The bill appears to have no fiscal impact.

The bill takes effect July 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation:

Section 985.66, F.S., created a Juvenile Justice Standards and Training Commission (the Commission) to provide a systematic approach to staff development and training for judges, state attorneys, public defenders, law enforcement officers, school district personnel, and juvenile justice program staff. The Commission was created under the Department of Juvenile Justice (the Department). The statute laid out specific requirements for the composition of the members of the Commission and its responsibilities.

The Commission sunsetted on June 30, 2001, and was not reenacted. The Department has since taken over all of the duties and responsibilities of the Commission and continued to operate the training programs.

The Department is not responsible for training of contracted providers.

Section 985.66, F.S., authorized the creation of the Juvenile Justice Training Trust Fund in 1990.¹ The trust fund is funded by one dollar for every noncriminal traffic infraction collected pursuant to ss. 318.14(10)(b) and 318.18, F.S. and it may receive funds from any other public or private source.² This trust fund paid for the Juvenile Justice Standards and Training Commission, while it was in effect, and continues to be used by the Department to pay for their current training operations. Estimated expenditures for the Department's training program, paid by the trust fund, for the previous three years are:

FY 2006-07: \$2,250,373

FY 2007-08: \$2,235,307

FY 2008-09: \$2,159,220

No new expenditures will be required by this bill as the Department will continue to use money from the trust fund.

¹ Ch. 90-208 L.O.F.

² S. 985.66(4)(b) and (c), F.S.

Effect of the bill:

The bill amends s. 985.66, F.S. to eliminate the Juvenile Justice Standards and Training Commission and give the Commission's responsibility for staff training to the Department of Juvenile Justice. It removes details about the composition of the Commission and references to the Commission, but otherwise leaves the same powers and duties to the Department. It also changes any reference to the "commission" to "department and "juvenile justice personnel" to "department program staff."

The bill adds a definition of "department program staff" as: supervisory and direct care staff of a delinquency program as well as support staff who have direct contact with children in a delinquency program that is owned and operated by the department. The definition clarifies these changes are only applicable to state-operated programs and these training requirements are not applicable to private contractors.

The bill amends s. 985.48, F.S. to eliminate references to the Juvenile Justice Standards and Training Commission and its duties to establish criteria for training all contract and department staff to effectively manage and provide services and treatment to juvenile sexual offenders.

B. SECTION DIRECTORY:

Section 1 – amends s. 985.66, F.S., relating to juvenile justice training academies; Juvenile Justice Standards and Training Commission; Juvenile Justice Training Trust Fund.

Section 2 – amends s. 985.48, F.S., relating to juvenile sexual offender commitment programs; sexual abuse intervention networks.

Section 3 – Provides an effective date of July 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None. The bill does not add any new duties or responsibilities to the Department of Juvenile Justice. It has been performing the training function since 2001.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure to funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

3. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to juvenile justice; amending s. 985.66,
 3 F.S.; eliminating the Juvenile Justice Standards and
 4 Training Commission; providing that the department rather
 5 than the commission is responsible for department program
 6 staff development and training; detailing the minimum
 7 qualifications for department program staff of the
 8 department and contract providers who deliver direct-care
 9 services to children; defining the term "department
 10 program staff"; amending s. 985.48, F.S.; conforming a
 11 provision to the termination of the Juvenile Justice
 12 Standards and Training Commission; providing an effective
 13 date.

14
 15 Be It Enacted by the Legislature of the State of Florida:
 16

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

19 985.66 Juvenile justice training academies; staff development
 20 and training ~~Juvenile Justice Standards and Training Commission~~;
 21 Juvenile Justice Training Trust Fund.--

22 (1) LEGISLATIVE PURPOSE.--In order to enable the state to
 23 provide a systematic approach to staff development and training
 24 for judges, state attorneys, public defenders, law enforcement
 25 officers, school district personnel, and department juvenile
 26 ~~justice~~ program staff that will meet the needs of such persons
 27 in their discharge of duties while at the same time meeting the
 28 requirements for the American Correction Association

29 accreditation by the Commission on Accreditation for
 30 Corrections, it is the purpose of the Legislature to require the
 31 department to establish, maintain, and oversee the operation of
 32 juvenile justice training academies in the state. The purpose of
 33 the Legislature in establishing staff development and training
 34 programs is to foster better staff morale and reduce
 35 mistreatment and aggressive and abusive behavior in delinquency
 36 programs; to positively impact the recidivism of children in the
 37 juvenile justice system; and to afford greater protection of the
 38 public through an improved level of services delivered by a
 39 professionally trained department ~~juvenile justice~~ program staff
 40 to children who are alleged to be or who have been found to be
 41 delinquent.

42 (2) STAFF DEVELOPMENT AND TRAINING ~~JUVENILE JUSTICE~~
 43 ~~STANDARDS AND TRAINING COMMISSION.~~ --

44 ~~(a) There is created under the Department of Juvenile~~
 45 ~~Justice the Juvenile Justice Standards and Training Commission,~~
 46 ~~hereinafter referred to as the commission. The 17-member~~
 47 ~~commission shall consist of the Attorney General or designee,~~
 48 ~~the Commissioner of Education or designee, a member of the~~
 49 ~~juvenile court judiciary to be appointed by the Chief Justice of~~
 50 ~~the Supreme Court, and 14 members to be appointed by the~~
 51 ~~Secretary of Juvenile Justice as follows:~~

- 52 1. ~~Seven members shall be juvenile justice professionals:~~
 53 ~~a superintendent or a direct care staff member from an~~
 54 ~~institution; a director from a contracted community-based~~
 55 ~~program; a superintendent and a direct care staff member from a~~
 56 ~~regional detention center or facility; a juvenile probation~~

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57 ~~officer supervisor and a juvenile probation officer; and a~~
58 ~~director of a day treatment or conditional release program. No~~
59 ~~fewer than three of these members shall be contract providers.~~

60 ~~2. Two members shall be representatives of local law~~
61 ~~enforcement agencies.~~

62 ~~3. One member shall be an educator from the state's~~
63 ~~university and community college program of criminology,~~
64 ~~criminal justice administration, social work, psychology,~~
65 ~~sociology, or other field of study pertinent to the training of~~
66 ~~juvenile justice program staff.~~

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

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

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

72 ~~7. One member shall be a representative of the business~~
73 ~~community.~~

74

75 ~~All appointed members shall be appointed to serve terms of 2~~
76 ~~years.~~

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

82 ~~(c) The Department of Juvenile Justice shall provide the~~
83 ~~commission with staff necessary to assist the commission in the~~
84 ~~performance of its duties.~~

85 ~~(d) The commission shall annually elect its chairperson~~
 86 ~~and other officers. The commission shall hold at least four~~
 87 ~~regular meetings each year at the call of the chairperson or~~
 88 ~~upon the written request of three members of the commission. A~~
 89 ~~majority of the members of the commission constitutes a quorum.~~
 90 ~~Members of the commission shall serve without compensation but~~
 91 ~~are entitled to be reimbursed for per diem and travel expenses~~
 92 ~~as provided by s. 112.061 and these expenses shall be paid from~~
 93 ~~the Juvenile Justice Training Trust Fund.~~

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

96 ~~(a)1.~~ Designate the location of the training academies;
 97 develop, implement, maintain, and update the curriculum to be
 98 used in the training of department juvenile justice program
 99 staff; establish timeframes for participation in and completion
 100 of training by department juvenile justice program staff;
 101 develop, implement, maintain, and update job-related
 102 examinations; develop, implement, and update the types and
 103 frequencies of evaluations of the training academies; approve,
 104 modify, or disapprove the budget for the training academies, and
 105 the contractor to be selected to organize and operate the
 106 training academies and to provide the training curriculum.

107 ~~(b)2.~~ Establish uniform minimum job-related training
 108 courses and examinations for department juvenile justice program
 109 staff.

110 ~~(c)3.~~ Consult and cooperate with the state or any
 111 political subdivision; any private entity or contractor; and
 112 with private and public universities, colleges, community

113 colleges, and other educational institutions concerning the
 114 development of juvenile justice training and programs or courses
 115 of instruction, including, but not limited to, education and
 116 training in the areas of juvenile justice.

117 (d)4. Enter into ~~With the approval of the department, make~~
 118 ~~and enter into such~~ contracts and agreements with other
 119 agencies, organizations, associations, corporations,
 120 individuals, or federal agencies as ~~the commission determines~~
 121 are necessary in the execution of the its powers of the
 122 department or the performance of its duties.

123 ~~5. Make recommendations to the Department of Juvenile~~
 124 ~~Justice concerning any matter within the purview of this~~
 125 ~~section.~~

126 (3) JUVENILE JUSTICE TRAINING PROGRAM.--The department
 127 ~~commission~~ shall establish a certifiable program for juvenile
 128 justice training pursuant to this section, and all department
 129 ~~department~~ program staff and ~~providers~~ who deliver direct care
 130 services ~~pursuant to contract with the department~~ shall be
 131 required to participate in and successfully complete the
 132 department-approved ~~commission-approved~~ program of training
 133 pertinent to their areas of responsibility. Judges, state
 134 attorneys, and public defenders, law enforcement officers, and
 135 school district personnel may participate in such training
 136 program. For the department ~~juvenile justice~~ program staff, the
 137 department ~~commission~~ shall, based on a job-task analysis:

138 (a) Design, implement, maintain, evaluate, and revise a
 139 basic training program, including a competency-based
 140 examination, for the purpose of providing minimum employment

141 training qualifications for all department program staff
 142 ~~juvenile justice personnel~~. All program staff of the department
 143 and providers who deliver direct-care services who are hired
 144 after October 1, 1999, must meet the following minimum
 145 requirements:

- 146 1. Be at least 19 years of age.
- 147 2. Be a high school graduate or its equivalent as
 148 determined by the department ~~commission~~.
- 149 3. Not have been convicted of any felony or a misdemeanor
 150 involving perjury or a false statement, or have received a
 151 dishonorable discharge from any of the Armed Forces of the
 152 United States. Any person who, after September 30, 1999, pleads
 153 guilty or nolo contendere to or is found guilty of any felony or
 154 a misdemeanor involving perjury or false statement is not
 155 eligible for employment, notwithstanding suspension of sentence
 156 or withholding of adjudication. Notwithstanding this
 157 subparagraph, any person who pled nolo contendere to a
 158 misdemeanor involving a false statement before October 1, 1999,
 159 and who has had such record of that plea sealed or expunged is
 160 not ineligible for employment for that reason.
- 161 4. Abide by all the provisions of s. 985.644(1) regarding
 162 fingerprinting and background investigations and other screening
 163 requirements for personnel.
- 164 5. Execute and submit to the department an affidavit-of-
 165 application form, adopted by the department, attesting to his or
 166 her compliance with subparagraphs 1.-4. The affidavit must be
 167 executed under oath and constitutes an official statement under
 168 s. 837.06. The affidavit must include conspicuous language that

169 the intentional false execution of the affidavit constitutes a
 170 misdemeanor of the second degree. The employing agency shall
 171 retain the affidavit.

172 (b) Design, implement, maintain, evaluate, and revise an
 173 advanced training program, including a competency-based
 174 examination for each training course, which is intended to
 175 enhance knowledge, skills, and abilities related to job
 176 performance.

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

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

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

187 (a) There is created within the State Treasury a Juvenile
 188 Justice Training Trust Fund to be used by the Department of
 189 Juvenile Justice for the purpose of funding the development and
 190 updating of a job-task analysis of department program staff
 191 ~~juvenile justice personnel~~; the development, implementation, and
 192 updating of job-related training courses and examinations; and
 193 the cost of ~~commission-approved~~ juvenile justice training
 194 courses; ~~and reimbursement for expenses as provided in s.~~
 195 ~~112.061 for members of the commission and staff.~~

196 (b) One dollar from every noncriminal traffic infraction

197 collected pursuant to ss. 318.14(10)(b) and 318.18 shall be
 198 deposited into the Juvenile Justice Training Trust Fund.

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

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

205 (5) ESTABLISHMENT OF JUVENILE JUSTICE TRAINING
 206 ACADEMIES.--The number, location, and establishment of juvenile
 207 justice training academies shall be determined by the department
 208 ~~commission~~.

209 (6) SCHOLARSHIPS AND STIPENDS.--

210 (a) By rule, the department ~~commission~~ shall establish
 211 criteria to award scholarships or stipends to qualified
 212 department program staff ~~juvenile justice personnel~~ who are
 213 residents of the state who want to pursue a bachelor's or
 214 associate in arts degree in juvenile justice or a related field.
 215 The department shall handle the administration of the
 216 scholarship or stipend. The Department of Education shall handle
 217 the notes issued for the payment of the scholarships or
 218 stipends. All scholarship and stipend awards shall be paid from
 219 the Juvenile Justice Training Trust Fund upon vouchers approved
 220 by the Department of Education and properly certified by the
 221 Chief Financial Officer. Prior to the award of a scholarship or
 222 stipend, the department program staff ~~juvenile justice employee~~
 223 must agree in writing to practice her or his profession in
 224 juvenile justice or a related field for 1 month for each month

225 of grant or to repay the full amount of the scholarship or
 226 stipend together with interest at the rate of 5 percent per
 227 annum over a period not to exceed 10 years. Repayment shall be
 228 made payable to the state for deposit into the Juvenile Justice
 229 Training Trust Fund.

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

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

236 (8) PARTICIPATION OF CERTAIN PROGRAMS IN THE STATE RISK
 237 MANAGEMENT TRUST FUND.--Pursuant to s. 284.30, the Division of
 238 Risk Management of the Department of Financial Services is
 239 authorized to insure a private agency, individual, or
 240 corporation operating a state-owned training school under a
 241 contract to carry out the purposes and responsibilities of any
 242 program of the department. The coverage authorized herein shall
 243 be under the same general terms and conditions as the department
 244 is insured for its responsibilities under chapter 284.

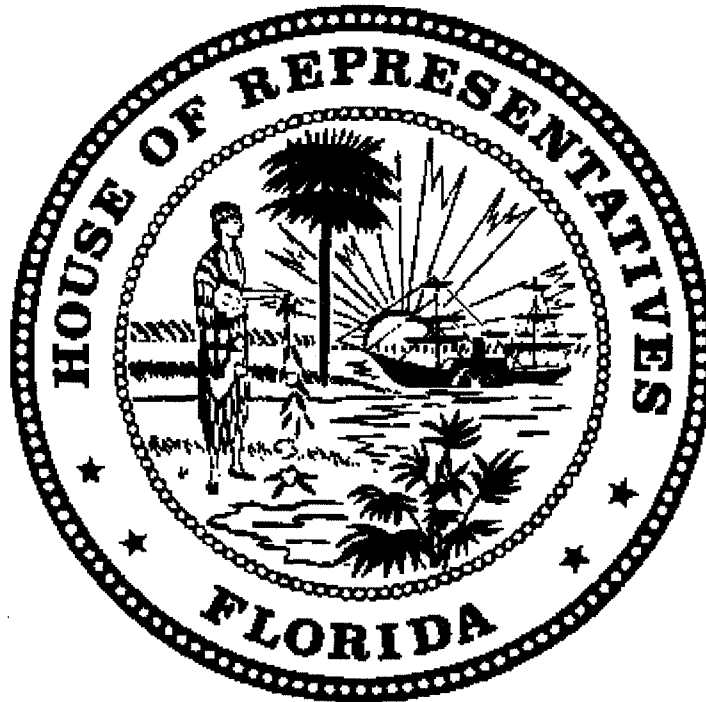
245 (9) DEPARTMENT PROGRAM STAFF DEFINED.--As used in this
 246 section, the term "department program staff" means supervisory
 247 and direct care staff of a delinquency program as well as
 248 support staff who have direct contact with children in a
 249 delinquency program that is owned and operated by the
 250 department. ~~The Juvenile Justice Standards and Training~~
 251 ~~Commission is terminated on June 30, 2001, and such termination~~
 252 ~~shall be reviewed by the Legislature prior to that date.~~

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

255 985.48 Juvenile sexual offender commitment programs;
 256 sexual abuse intervention networks.—

257 (8) The department ~~Juvenile Justice Standards and Training~~
 258 ~~Commission~~ shall establish criteria for training all contract
 259 and department staff or provide a special training program for
 260 contract and department staff to effectively manage and provide
 261 services and treatment to a juvenile sexual offender in a
 262 juvenile sexual offender program.

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



Criminal & Civil Justice Policy Council

Tuesday, March 9, 2010

11:00 AM

404 HOB

Addendum A

**Larry Cretul
Speaker**

**William Snyder
Chair**

