

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~~

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.