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1  
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41 Statutes, is repealed.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43 Statutes, is repealed.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45 Statutes, is repealed.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 Section 985.47, Florida Statutes, is repealed.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 Section 985.483, Florida Statutes, is repealed.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.~~ 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.