

By Senator Williams

4-813-98

1 A bill to be entitled
2 An act relating to juvenile offenders; amending
3 s. 985.309, F.S.; authorizing a county or
4 municipality to operate a boot camp pursuant to
5 legislative appropriation; providing for the
6 boot camp to be supervised by the sheriff;
7 requiring that a juvenile between specified
8 years of age who has committed a felony be
9 placed in a boot camp program; providing that
10 such requirement is not subject to a plea
11 negotiation if placement is available in a boot
12 camp; amending s. 985.313, F.S.; requiring that
13 a juvenile of a specified age or older be
14 committed to a maximum-risk residential program
15 if the juvenile has committed any felony and
16 has been committed to a commitment program on
17 at least one other occasion for committing
18 certain specified felonies; providing that such
19 commitment is not subject to a plea
20 negotiation; amending s. 985.226, F.S.;
21 requiring that the court transfer a juvenile
22 for prosecution as an adult if the juvenile has
23 been adjudicated on two or more previous
24 occasions for committing certain specified
25 felonies; providing that such transfer is not
26 subject to a plea negotiation; providing an
27 effective date.
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29 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Subsections (2) and (3) of section 985.309,
2 Florida Statutes, are amended to read:

3 985.309 Boot camp for children.--

4 (2) Contingent upon a specific legislative
5 appropriation, any local funding, a county or municipal
6 government in any circuit in this state may implement and
7 operate a boot camp program to provide an intensive
8 educational and physical training and rehabilitative program
9 for appropriate children. The boot camp program shall be under
10 the supervisory jurisdiction and authority of the sheriff of
11 the county in which the boot camp is located.

12 (3) A child shall ~~may~~ be placed in a boot camp program
13 in the circuit within which the child is adjudicated if he or
14 she is at least 14 years of age but less than 18 years of age
15 at the time of adjudication and has been committed to the
16 department for any automobile theft; violation of s. 316.193,
17 relating to driving under the influence; burglary of a
18 dwelling; robbery; possession or sale of illegal drugs within
19 1,000 feet of a school; possession of a firearm on a school
20 campus; assault or battery on a school employee, judicial
21 officer, or the child's parent; or any other offense that, if
22 committed by an adult, would be a felony, other than a capital
23 felony, a life felony, or a violent felony of the first
24 degree. If the circuit in which the child is adjudicated has a
25 boot camp program with an available placement, placement under
26 this subsection is mandatory and is not subject to a plea
27 negotiation.

28 Section 2. Subsection (2) of section 985.313, Florida
29 Statutes, is amended to read:

30 985.313 Maximum-risk residential program.--A
31 maximum-risk residential program is a physically secure

1 residential commitment program with a designated length of
2 stay from 18 months to 36 months, primarily serving children
3 13 years of age to 19 years of age, or until the jurisdiction
4 of the court expires. The court may retain jurisdiction over
5 the child until the child reaches the age of 21, specifically
6 for the purpose of the child completing the program. Each
7 child committed to this level must meet one of the following
8 criteria:

9 (2) The child ~~youth~~ is at least 13 years of age at the
10 time of the disposition, the current offense is any ~~a~~ felony,
11 and the child has previously been committed to a delinquency
12 commitment program:

13 (a) On at least one other occasion for committing any
14 automobile theft; burglary of a dwelling; robbery; possession
15 or sale of illegal drugs within 1,000 feet of a school;
16 possession of a firearm on a school campus; assault or battery
17 on a school employee, judicial officer, or the child's parent;
18 or

19 (b) On three or more other occasions for committing
20 any other offenses ~~three or more times to a delinquency~~
21 ~~commitment program~~. Commitment under this subsection is
22 mandatory and is not subject to a plea negotiation.

23 Section 3. Subsection (2) of section 985.226, Florida
24 Statutes, is amended to read:

25 985.226 Criteria for waiver of juvenile court
26 jurisdiction; hearing on motion to transfer for prosecution as
27 an adult.--

28 (2) INVOLUNTARY WAIVER OR TRANSFER.--

29 (a) Discretionary involuntary waiver.--The state
30 attorney may file a motion requesting the court to transfer
31 the child for criminal prosecution if the child was 14 years

1 of age or older at the time the alleged delinquent act or
2 violation of law was committed. If the child has been
3 previously adjudicated delinquent for murder, sexual battery,
4 armed or strong-armed robbery, carjacking, home-invasion
5 robbery, aggravated battery, or aggravated assault, and is
6 currently charged with a second or subsequent violent crime
7 against a person, the state attorney shall file a motion
8 requesting the court to transfer and certify the juvenile for
9 prosecution as an adult, or proceed pursuant to s. 985.227(1).

10 (b) Mandatory involuntary waiver.--If the child was 14
11 years of age or older at the time of commission of a fourth or
12 subsequent alleged felony offense and the child was previously
13 adjudicated delinquent or had adjudication withheld for or was
14 found to have committed, or to have attempted or conspired to
15 commit, three offenses that are felony offenses if committed
16 by an adult, and one or more of such felony offenses involved
17 the use or possession of a firearm or violence against a
18 person, the state attorney shall request the court to transfer
19 and certify the child for prosecution as an adult or shall
20 provide written reasons to the court for not making such
21 request, or proceed pursuant to s. 985.227(1). Upon the state
22 attorney's request, the court shall either enter an order
23 transferring the case and certifying the case for trial as if
24 the child were an adult or provide written reasons for not
25 issuing such an order.

26 (c) Mandatory transfer.--The court shall transfer and
27 certify a child's criminal case for trial as an adult if the
28 child is alleged to have committed any automobile theft;
29 burglary of a dwelling; robbery; or assault or battery on a
30 school employee, judicial officer, or the child's parent, and
31 the child was adjudicated delinquent or had adjudication

1 withheld for the same offense on two or more previous
2 occasions. Transfer under this paragraph is mandatory and is
3 not subject to a plea negotiation.

4 Section 4. This act shall take effect July 1, 1998.

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7 SENATE SUMMARY

8 Provides for counties and municipalities to operate boot
9 camps, contingent upon legislative funding rather than
10 local funding. Provides for the county sheriff to
11 supervise any boot camp located in the county. Requires
12 that a juvenile be placed in a boot camp if the juvenile
13 is at least 14 years of age, but less than 18, the
14 juvenile is committed to the Department of Juvenile
15 Justice for committing any felony offense, and space is
16 available in a boot camp program in the circuit. Requires
17 that the court commit a juvenile who is at least 13 years
18 of age to a maximum-risk residential program if the
19 juvenile has committed a felony and has committed one of
20 certain specified felonies on at least one other
21 occasion. Requires that the court transfer a juvenile for
22 prosecution as an adult if the juvenile has committed
23 automobile theft, burglary, robbery, or assault or
24 battery and has previously been adjudicated for any such
25 offense on two or more previous occasions.
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