

By Senator Lee

23-706A-99

See HB

1                                   A bill to be entitled  
2           An act relating to delinquent acts or criminal  
3           offenses committed by juveniles; amending s.  
4           90.610, F.S., relating to conviction of certain  
5           crimes as impeachment; providing that certain  
6           adjudications of delinquency are admissible  
7           into evidence for impeachment purposes;  
8           providing an exception; amending s. 921.0021,  
9           F.S.; redefining the term "prior record" with  
10          respect to specified provisions relating to  
11          sentencing; providing for scoring as adult  
12          offenses an offender's prior juvenile offenses  
13          that would be crimes if committed by an adult;  
14          amending s. 943.0515, F.S., relating to  
15          retention of criminal history records of  
16          minors; providing for a minor offender's  
17          criminal history record of forcible or  
18          nonforcible felonies to be merged and retained  
19          as a part of the person's adult criminal  
20          history record, under specified circumstances;  
21          amending s. 985.03, F.S.; defining "violation  
22          of supervision" with respect to specified  
23          provisions relating to delinquency; amending s.  
24          985.04, F.S., relating to oaths, records, and  
25          confidential information; providing for public  
26          disclosure of orders of disposition and  
27          criminal history records showing juvenile  
28          offenses charged and their resolution;  
29          providing for a withholding of an adjudication  
30          of delinquency or an adjudication of guilt to  
31          be considered a conviction for certain purposes

1 relating to disclosure of the records;  
2 reenacting s. 985.31(4)(k), F.S., relating to  
3 serious or habitual juvenile offenders, to  
4 incorporate the amendment in a reference;  
5 amending s. 985.05, F.S., relating to court  
6 records; providing for nonapplicability of  
7 certain recordkeeping requirements to  
8 nonconfidential juvenile history records;  
9 providing for admissibility in other civil or  
10 criminal proceedings of certain court records  
11 of juvenile proceedings; providing for merger  
12 of a defendant's record of prior delinquent  
13 acts with the defendant's adult record, under  
14 specified circumstances; amending s. 985.201,  
15 F.S.; conforming a cross-reference for purposes  
16 of application to terms of certain restitution  
17 orders; amending s. 985.21, F.S.; deleting an  
18 authorization for a juvenile probation officer  
19 to make certain recommendations to the state  
20 attorney; clarifying certain contents of intake  
21 reports; requiring the State Attorney and  
22 Department of Juvenile Justice district  
23 managers to enter into certain interagency  
24 agreements for certain purposes; amending s.  
25 985.211, F.S., relating to release or delivery  
26 from custody; providing for reference to  
27 violation of supervision in certain written  
28 reports or probable cause affidavits; amending  
29 s. 985.225, F.S.; requiring transfer of certain  
30 felony cases relating to certain children to  
31 adult court for prosecution as an adult;

1 providing for application of certain penalties  
2 in certain felony cases under certain  
3 circumstances; amending s. 985.226, F.S.,  
4 relating to criteria for discretionary waiver  
5 and mandatory waiver of juvenile court  
6 jurisdiction; providing for the state attorney  
7 to file a motion requesting the court to  
8 transfer a child of at least 14 years of age  
9 for criminal prosecution, under specified  
10 circumstances; providing for exceptions;  
11 requiring transfer of certain felony cases  
12 relating to certain children to adult court for  
13 prosecution as an adult; providing for  
14 application of certain penalties in certain  
15 felony cases under certain circumstances;  
16 amending s. 985.227, F.S., relating to  
17 discretionary direct-file criteria and  
18 mandatory direct-file criteria; permitting the  
19 filing of an information when a child was 14 or  
20 15 years of age at the time the child attempted  
21 to commit any one of specified offenses;  
22 revising the list of specified offenses to  
23 include certain additional offenses; requiring  
24 the state attorney to file an information for  
25 certain illegal acts when the child committing  
26 the act is at least 16 years of age and has a  
27 specified history of delinquent acts; revising  
28 duties of the court and guidelines for transfer  
29 of cases pertaining to the child when a child  
30 is transferred for adult prosecution; providing  
31 for application of certain penalties in certain

1 felony cases; removing the requirement for  
2 annual updating by the state attorney of  
3 direct-file policies and guidelines; providing  
4 that the information filed pursuant to  
5 specified provisions may include all charges  
6 that are based on the same act, criminal  
7 episode, or transaction as the primary offense;  
8 amending s. 985.228, F.S.; specifying  
9 disqualification for possessing a firearm until  
10 a certain age for persons adjudicated  
11 delinquent for certain felony offenses;  
12 amending s. 790.23, F.S.; limiting a  
13 prohibition against possession of firearms or  
14 weapons by certain persons under certain  
15 circumstances; amending s. 985.231, F.S.;  
16 excluding aftercare from certain disposition  
17 provisions; revising powers of disposition in  
18 delinquency cases; conforming references;  
19 providing for exceptions to conform to changes  
20 made by the act; amending s. 985.233, F.S.,  
21 relating to sentencing powers, procedures, and  
22 dispositional alternatives for juveniles  
23 prosecuted as adults; revising sentencing  
24 alternatives in cases when a child is  
25 prosecuted on indictment and in other cases;  
26 providing that a court may withhold  
27 adjudication of guilt and place the child on  
28 probation or community control to be supervised  
29 by the Department of Juvenile Justice, under  
30 specified circumstances; providing for  
31 completion of a residential program under the

1 Department of Juvenile Justice as a special  
2 condition of the probation or community  
3 control; authorizing a judge in adult court to  
4 access the juvenile commitment programs for  
5 sentencing purposes; prohibiting imposition of  
6 certain sentencing alternatives and juvenile  
7 sanctions and prohibiting withholding of  
8 adjudication as an adult when the state  
9 attorney's motion to transfer and certify the  
10 child for prosecution as an adult is granted  
11 under specified provisions; revising guidelines  
12 for sentencing to juvenile sanctions; providing  
13 duties of the Department of Juvenile Justice  
14 and the court under conditions of offender  
15 violation of commitment or supervision;  
16 providing for arrest and hearing; providing for  
17 imposition of adult sentencing under certain  
18 circumstances; providing for the scope of  
19 certain sanctions and a return of custody to  
20 the sentencing court under certain  
21 circumstances; removing the requirement that  
22 the court stay adjudication of guilt when the  
23 child is sentenced to juvenile sanctions under  
24 specified provisions; removing provisions that  
25 the adjudication of delinquency shall not be  
26 deemed to be a conviction or operate to impose  
27 civil disabilities resulting from a conviction;  
28 removing the prohibition against the imposition  
29 of a combination of juvenile and adult  
30 sanctions; reenacting s. 985.225(3), F.S.,  
31 relating to indictment of a juvenile, and s.

1 985.31(3)(k), F.S., relating to serious or  
2 habitual juvenile offenders, to incorporate the  
3 amendment in references; amending s. 985.309,  
4 F.S., relating to criteria for placement of a  
5 child in a boot camp program; providing for  
6 boot camp placement in connection with a  
7 juvenile disposition of a child at least 14  
8 years of age who has not entered a plea of  
9 guilty or nolo contendere to, or been  
10 adjudicated of, a capital felony, life felony,  
11 or violent felony of the first degree;  
12 providing for early-intervention boot camp  
13 placement of a child at least 12 years of age  
14 under specified circumstances; providing for  
15 certain minimum periods of participation in  
16 aftercare; authorizing operation of an  
17 early-intervention boot camp program by the  
18 Department of Juvenile Justice or by a county  
19 or municipality; providing purpose of program;  
20 providing criteria for disqualification from  
21 participation in the early-intervention boot  
22 camp program; reenacting s. 985.231(1)(j),  
23 F.S., relating to powers of disposition in  
24 delinquency cases, s. 985.31(3)(i), F.S.,  
25 relating to serious or habitual juvenile  
26 offenders, s. 985.311(3)(i), F.S., relating to  
27 intensive residential treatment programs for  
28 offenders less than 13 years of age, and s.  
29 985.314(1)(a), F.S., relating to commitment  
30 programs for juvenile felony offenders, to  
31 incorporate the amendment in references;

1 amending s. 985.404, F.S., relating to  
2 administration of the juvenile justice  
3 continuum; specifying factors to be considered  
4 in the report ranking commitment programs;  
5 providing for measuring the recidivism rate for  
6 certain programs; amending s. 985.219, F.S.;  
7 providing for assessing an additional civil  
8 penalty against parents, legal guardians, or  
9 adult relatives under certain circumstances;  
10 repealing s. 985.218(6), F.S., relating to  
11 adjudicatory hearings for children committing  
12 delinquent acts or violations of law; amending  
13 s. 985.02, F.S.; revising legislative intent  
14 with respect to repeat and violent juvenile  
15 offenders; amending s. 985.313, F.S.;  
16 redesignating maximum-risk residential programs  
17 as juvenile prisons; providing that a juvenile  
18 may be committed to such a facility if  
19 adjudicated on certain additional offenses;  
20 providing an effective date.

21

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

23

24 Section 1. Section 90.610, Florida Statutes, is  
25 amended to read:

26 90.610 Conviction of certain crimes or adjudication of  
27 delinquency as impeachment.--

28 (1) A party may attack the credibility of any witness,  
29 including an accused, by evidence that the witness has been  
30 convicted of a crime if the crime was punishable by death or  
31 imprisonment in excess of 1 year under the law under which the

1 witness was convicted, or if the crime involved dishonesty or  
2 a false statement regardless of the punishment. However, with  
3 ~~the following exceptions:~~

4 ~~(a)~~ evidence of any such conviction is inadmissible in  
5 a civil trial if it is so remote in time as to have no bearing  
6 on the present character of the witness.

7 ~~(b) Evidence of juvenile adjudications are~~  
8 ~~inadmissible under this subsection.~~

9 (2) A party may attack the credibility of any witness,  
10 including an accused, by evidence of an adjudication of  
11 delinquency for an act that would be punishable by death or  
12 imprisonment in excess of 1 year if the act were committed by  
13 an adult under the law under which the witness was adjudicated  
14 delinquent, or if the delinquent act involved dishonesty or a  
15 false statement regardless of punishment. However, evidence of  
16 any such adjudication of delinquency is inadmissible to  
17 impeach a person 24 years of age or older.

18 ~~(3)(2)~~ The pendency of an appeal or the granting of a  
19 pardon relating to such crime or delinquent act does not  
20 render evidence of the conviction or adjudication of  
21 delinquency from which the appeal was taken or for which the  
22 pardon was granted inadmissible. Evidence of the pendency of  
23 the appeal is admissible.

24 ~~(4)(3)~~ Nothing in this section affects the  
25 admissibility of evidence under s. 90.404 or s. 90.608.

26 Section 2. Subsection (5) of section 921.0021, Florida  
27 Statutes, 1998 Supplement, is amended to read:

28 921.0021 Definitions.--As used in this chapter, for  
29 any felony offense, except any capital felony, committed on or  
30 after October 1, 1998, the term:

31



1           (5) "Prior record" means a conviction for a crime  
2 committed by the offender, as an adult or a juvenile, prior to  
3 the time of the primary offense. Convictions by federal,  
4 out-of-state, military, or foreign courts, and convictions for  
5 violations of county or municipal ordinances that incorporate  
6 by reference a penalty under state law, are included in the  
7 offender's prior record. Convictions for offenses committed  
8 by the offender more than 10 years before the primary offense  
9 are not included in the offender's prior record if the  
10 offender has not been convicted of any other crime for a  
11 period of 10 consecutive years from the most recent date of  
12 release from confinement, supervision, or sanction, whichever  
13 is later, to the date of the primary offense. All of an  
14 offender's prior juvenile history of acts that would be crimes  
15 if committed by an adult shall be scored and considered to the  
16 same extent as offenses committed by an adult. For the  
17 purposes of this subsection, a withholding of adjudication of  
18 delinquency or a withholding of adjudication of guilt shall be  
19 considered a conviction ~~Juvenile dispositions of offenses~~  
20 ~~committed by the offender within 3 years before the primary~~  
21 ~~offense are included in the offender's prior record when the~~  
22 ~~offense would have been a crime had the offender been an adult~~  
23 ~~rather than a juvenile. Juvenile dispositions of sexual~~  
24 ~~offenses committed by the offender which were committed 3~~  
25 ~~years or more before the primary offense are included in the~~  
26 ~~offender's prior record if the offender has not maintained a~~  
27 ~~conviction-free record, either as an adult or a juvenile, for~~  
28 ~~a period of 3 consecutive years from the most recent date of~~  
29 ~~release from confinement, supervision, or sanction, whichever~~  
30 ~~is later, to the date of the primary offense.~~  
31

1 Section 3. Subsection (2) of section 943.0515, Florida  
2 Statutes, 1998 Supplement, is amended to read:

3 943.0515 Retention of criminal history records of  
4 minors.--

5 (2)(a) If a person is convicted or has adjudication  
6 withheld for a 18 years of age or older is charged with or  
7 convicted of a forcible felony and the person's criminal  
8 history record as a minor has not yet been destroyed, the  
9 person's record as a minor must be merged with the person's  
10 adult criminal history record and must be retained as a part  
11 of the person's adult record.

12 (b) If, at any time, a minor is adjudicated as an  
13 adult for a ~~forcible~~ felony, the minor's criminal history  
14 record prior to the time of the minor's adjudication as an  
15 adult must be merged with his or her record as an adjudicated  
16 adult.

17 Section 4. Present subsection (59) of section 985.03,  
18 Florida Statutes, 1998 Supplement, is renumbered as subsection  
19 (60) and new subsection (59) is added to that section to read:

20 985.03 Definitions.--When used in this chapter, the  
21 term:

22 (59) "Violation of supervision" means a violation of  
23 community control or a violation of any other sanction that is  
24 imposed as a result of a disposition of a delinquent act,  
25 including, but not limited to, furlough, aftercare, or any  
26 violation occurring during home detention or home visits.

27 Section 5. Subsection (3) of section 985.04, Florida  
28 Statutes, 1998 Supplement, is amended, and subsection (9) is  
29 added to that section, to read:

30 985.04 Oaths; records; confidential information.--  
31

1           (3)(a) Except as provided in subsections (2), (4),  
2 (5), ~~and (6)~~, and (9) and s. 943.053, all information obtained  
3 under this part in the discharge of official duty by any  
4 judge, any employee of the court, any authorized agent of the  
5 Department of Juvenile Justice, the Parole Commission, the  
6 Juvenile Justice Advisory Board, the Department of  
7 Corrections, the district juvenile justice boards, any law  
8 enforcement agent, or any licensed professional or licensed  
9 community agency representative participating in the  
10 assessment or treatment of a juvenile is confidential and may  
11 be disclosed only to the authorized personnel of the court,  
12 the Department of Juvenile Justice and its designees, the  
13 Department of Corrections, the Parole Commission, the Juvenile  
14 Justice Advisory Board, law enforcement agents, school  
15 superintendents and their designees, any licensed professional  
16 or licensed community agency representative participating in  
17 the assessment or treatment of a juvenile, and others entitled  
18 under this chapter to receive that information, or upon order  
19 of the court. Within each county, the sheriff, the chiefs of  
20 police, the district school superintendent, and the department  
21 shall enter into an interagency agreement for the purpose of  
22 sharing information about juvenile offenders among all  
23 parties. The agreement must specify the conditions under which  
24 summary criminal history information is to be made available  
25 to appropriate school personnel, and the conditions under  
26 which school records are to be made available to appropriate  
27 department personnel. Such agreement shall require  
28 notification to any classroom teacher of assignment to the  
29 teacher's classroom of a juvenile who has been placed in a  
30 community control or commitment program for a felony offense.  
31 The agencies entering into such agreement must comply with s.

1 943.0525, and must maintain the confidentiality of information  
2 that is otherwise exempt from s. 119.07(1), as provided by  
3 law.

4 (b) The department shall disclose to the school  
5 superintendent the presence of any child in the care and  
6 custody or under the jurisdiction or supervision of the  
7 department who has a known history of sexual behavior with  
8 other juveniles; is an alleged juvenile sex offender, as  
9 defined in s. 415.50165; or has pled guilty or nolo contendere  
10 to, or has been found to have committed, a violation of  
11 chapter 794, chapter 796, chapter 800, s. 827.071, or s.  
12 847.0133, regardless of adjudication. Any employee of a  
13 district school board who knowingly and willfully discloses  
14 such information to an unauthorized person commits a  
15 misdemeanor of the second degree, punishable as provided in s.  
16 775.082 or s. 775.083.

17 (9) Notwithstanding any other provision to the  
18 contrary, orders of disposition and criminal history records  
19 showing juvenile offenses charged, and how such offenses were  
20 resolved, are public records and are not confidential.

21 Section 6. For the purpose of incorporating the  
22 amendment to s. 985.04, Florida Statutes, 1998 Supplement, in  
23 a reference thereto, paragraph (k) of subsection (4) of  
24 section 985.31, Florida Statutes, 1998 Supplement, is  
25 reenacted to read:

26 985.31 Serious or habitual juvenile offender.--

27 (4) ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.--

28 (k) Assessment and treatment records are confidential  
29 as described in this paragraph and exempt from the provisions  
30 of s. 119.07(1) and s. 24(a), Art. I of the State  
31 Constitution.

1           1. The department shall have full access to the  
2 assessment and treatment records to ensure coordination of  
3 services to the child.

4           2. The principles of confidentiality of records as  
5 provided in s. 985.04 shall apply to the assessment and  
6 treatment records of serious or habitual juvenile offenders.

7           Section 7. Subsection (1) of section 985.05, Florida  
8 Statutes, is amended, and paragraph (f) is added to subsection  
9 (4) of that section, to read:

10           985.05 Court records.--

11           (1) The clerk of the court shall make and keep records  
12 of all cases brought before it pursuant to this part. The  
13 court shall preserve the records pertaining to a child charged  
14 with committing a delinquent act or violation of law until the  
15 child reaches 24 years of age or reaches 26 years of age if he  
16 or she is a serious or habitual delinquent child, ~~until 5~~  
17 ~~years after the last entry was made,~~ or until 3 years after  
18 the death of the child, whichever is earlier, and may then  
19 destroy them, except that records made of traffic offenses in  
20 which there is no allegation of delinquency may be destroyed  
21 as soon as this can be reasonably accomplished. If a defendant  
22 is sentenced for a felony committed before reaching 24 years  
23 of age, the clerk shall merge any juvenile criminal history  
24 records of such person, showing juvenile offenses charged and  
25 how such offenses were resolved, with his or her adult record.  
26 Records merged pursuant to this section are not confidential.

27 The court shall make official records of all petitions and  
28 orders filed in a case arising pursuant to this part and of  
29 any other pleadings, certificates, proofs of publication,  
30 summonses, warrants, and writs that are filed pursuant to the  
31 case.

1 (4) A court record of proceedings under this part is  
2 not admissible in evidence in any other civil or criminal  
3 proceeding, except that:

4 (f) Records that are not confidential as provided in  
5 s. 985.04(9) are admissible to the same extent that records of  
6 offenses committed by adults are admissible.

7 Section 8. Paragraph (c) of subsection (4) of section  
8 985.201, Florida Statutes, is amended to read:

9 985.201 Jurisdiction.--

10 (4)

11 (c) The court may retain jurisdiction over a child and  
12 the child's parent or legal guardian whom the court has  
13 ordered to pay restitution until the restitution order is  
14 satisfied or until the court orders otherwise. If the court  
15 retains such jurisdiction after the date upon which the  
16 court's jurisdiction would cease under this section, it shall  
17 do so solely for the purpose of enforcing the restitution  
18 order. The terms of the restitution order are subject to the  
19 provisions of s. 775.089~~(5)~~~~(6)~~.

20 Section 9. Subsection (4) of section 985.21, Florida  
21 Statutes, 1998 Supplement, is amended to read:

22 985.21 Intake and case management.--

23 (4) The juvenile probation officer shall make a  
24 preliminary determination as to whether the report, affidavit,  
25 or complaint is complete, consulting with the state attorney  
26 as may be necessary. In any case where the juvenile probation  
27 officer or the state attorney finds that the report,  
28 affidavit, or complaint is insufficient by the standards for a  
29 probable cause affidavit, the juvenile probation officer or  
30 state attorney shall return the report, affidavit, or  
31 complaint, without delay, to the person or agency originating

1 the report, affidavit, or complaint or having knowledge of the  
2 facts or to the appropriate law enforcement agency having  
3 investigative jurisdiction of the offense, and shall request,  
4 and the person or agency shall promptly furnish, additional  
5 information in order to comply with the standards for a  
6 probable cause affidavit.

7 ~~(a) The juvenile probation officer, upon determining~~  
8 ~~that the report, affidavit, or complaint is complete, may, in~~  
9 ~~the case of a child who is alleged to have committed a~~  
10 ~~delinquent act or violation of law, recommend that the state~~  
11 ~~attorney file a petition of delinquency or an information or~~  
12 ~~seek an indictment by the grand jury. However, such a~~  
13 ~~recommendation is not a prerequisite for any action taken by~~  
14 ~~the state attorney.~~

15 (a)~~(b)~~ The juvenile probation officer, upon  
16 determining that the report, affidavit, or complaint is  
17 complete, pursuant to uniform procedures established by the  
18 department, shall:

19 1. When indicated by the preliminary screening,  
20 provide for a comprehensive assessment of the child and family  
21 for substance abuse problems, using community-based licensed  
22 programs with clinical expertise and experience in the  
23 assessment of substance abuse problems.

24 2. When indicated by the preliminary screening,  
25 provide for a comprehensive assessment of the child and family  
26 for mental health problems, using community-based  
27 psychologists, psychiatrists, or other licensed mental health  
28 professionals with clinical expertise and experience in the  
29 assessment of mental health problems.

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1 | When indicated by the comprehensive assessment, the department  
2 | is authorized to contract within appropriated funds for  
3 | services with a local nonprofit community mental health or  
4 | substance abuse agency licensed or authorized under chapter  
5 | 394, or chapter 397, or other authorized nonprofit social  
6 | service agency providing related services. The determination  
7 | of mental health or substance abuse services shall be  
8 | conducted in coordination with existing programs providing  
9 | mental health or substance abuse services in conjunction with  
10 | the intake office. Client information resulting from the  
11 | screening and evaluation shall be documented pursuant to rules  
12 | established by the department and shall serve to assist the  
13 | juvenile probation officer in providing the most appropriate  
14 | services and recommendations in the least intrusive manner.  
15 | Such client information shall be used in the multidisciplinary  
16 | assessment and classification of the child, but such  
17 | information, and any information obtained directly or  
18 | indirectly through the assessment process, is inadmissible in  
19 | court prior to the disposition hearing, unless the child's  
20 | written consent is obtained. At the disposition hearing,  
21 | documented client information shall serve to assist the court  
22 | in making the most appropriate custody, adjudicatory, and  
23 | dispositional decision. If the screening and assessment  
24 | indicate that the interest of the child and the public will be  
25 | best served thereby, the juvenile probation officer, with the  
26 | approval of the state attorney, may refer the child for care,  
27 | diagnostic and evaluation services, substance abuse treatment  
28 | services, mental health services, retardation services, a  
29 | diversionary or arbitration or mediation program, community  
30 | service work, or other programs or treatment services  
31 | voluntarily accepted by the child and the child's parents or



1 | legal guardians. The victim, if any, and the law enforcement  
2 | agency which investigated the offense shall be notified  
3 | immediately by the state attorney of the action taken under  
4 | this paragraph. Whenever a child volunteers to participate in  
5 | any work program under this chapter or volunteers to work in a  
6 | specified state, county, municipal, or community service  
7 | organization supervised work program or to work for the  
8 | victim, the child shall be considered an employee of the state  
9 | for the purposes of liability. In determining the child's  
10 | average weekly wage, unless otherwise determined by a specific  
11 | funding program, all remuneration received from the employer  
12 | is considered a gratuity, and the child is not entitled to any  
13 | benefits otherwise payable under s. 440.15, regardless of  
14 | whether the child may be receiving wages and remuneration from  
15 | other employment with another employer and regardless of the  
16 | child's future wage-earning capacity.

17 |       (b)~~(c)~~ The juvenile probation officer, upon  
18 | determining that the report, affidavit, or complaint complies  
19 | with the standards of a probable cause affidavit and that the  
20 | interest of the child and the public will be best served, may  
21 | recommend that a delinquency petition not be filed. If such a  
22 | recommendation is made, the juvenile probation officer shall  
23 | advise in writing the person or agency making the report,  
24 | affidavit, or complaint, the victim, if any, and the law  
25 | enforcement agency having investigative jurisdiction of the  
26 | offense of the recommendation and the reasons therefor; and  
27 | that the person or agency may submit, within 10 days after the  
28 | receipt of such notice, the report, affidavit, or complaint to  
29 | the state attorney for special review. The state attorney,  
30 | upon receiving a request for special review, shall consider  
31 | the facts presented by the report, affidavit, or complaint,

1 and by the juvenile probation officer who made the  
2 recommendation that no petition be filed, before making a  
3 final decision as to whether a petition or information should  
4 or should not be filed.

5 (c)~~(d)~~ In all cases in which the child is alleged to  
6 have committed a violation of law or delinquent act and is not  
7 detained, the juvenile probation officer shall submit a  
8 written report to the state attorney, including the original  
9 report, complaint, or affidavit, or a copy thereof, including  
10 a copy of the child's prior juvenile record, within 20 days  
11 after the date the child is taken into custody. In cases in  
12 which the child is in detention, the intake office report must  
13 be submitted within 24 hours after the child is placed into  
14 detention. The intake office report may include a  
15 recommendation ~~must recommend either~~ that a petition or  
16 information be filed or that no petition or information be  
17 filed, and may ~~must~~ set forth reasons for the recommendation.  
18 The State Attorney and the Department of Juvenile Justice  
19 district manager in each district shall enter into an  
20 interagency agreement denoting the cases that will require a  
21 recommendation and those for which a recommendation is  
22 unnecessary.

23 (d)~~(e)~~ The state attorney may in all cases take action  
24 independent of the action or lack of action of the juvenile  
25 probation officer, and shall determine the action which is in  
26 the best interest of the public and the child. If the child  
27 meets the criteria requiring prosecution as an adult pursuant  
28 to s. 985.226, the state attorney shall request the court to  
29 transfer and certify the child for prosecution as an adult or  
30 shall provide written reasons to the court for not making such  
31 request. In all other cases, the state attorney may:

- 1           1. File a petition for dependency;
- 2           2. File a petition pursuant to chapter 984;
- 3           3. File a petition for delinquency;
- 4           4. File a petition for delinquency with a motion to
- 5 transfer and certify the child for prosecution as an adult;
- 6           5. File an information pursuant to s. 985.227;
- 7           6. Refer the case to a grand jury;
- 8           7. Refer the child to a diversionary, pretrial
- 9 intervention, arbitration, or mediation program, or to some
- 10 other treatment or care program if such program commitment is
- 11 voluntarily accepted by the child or the child's parents or
- 12 legal guardians; or
- 13           8. Decline to file.

14           ~~(e)(f)~~ In cases in which a delinquency report,  
15 affidavit, or complaint is filed by a law enforcement agency  
16 and the state attorney determines not to file a petition, the  
17 state attorney shall advise the clerk of the circuit court in  
18 writing that no petition will be filed thereon.

19           Section 10. Paragraph (b) of subsection (4) of section  
20 985.211, Florida Statutes, 1998 Supplement, is amended to  
21 read:

22           985.211 Release or delivery from custody.--  
23           (4) A person taking a child into custody who  
24 determines, pursuant to s. 985.215, that the child should be  
25 detained or released to a shelter designated by the  
26 department, shall make a reasonable effort to immediately  
27 notify the parent, guardian, or legal custodian of the child  
28 and shall, without unreasonable delay, deliver the child to  
29 the appropriate juvenile probation officer or, if the court  
30 has so ordered pursuant to s. 985.215, to a detention center  
31 or facility. Upon delivery of the child, the person taking the

1 child into custody shall make a written report or probable  
2 cause affidavit to the appropriate juvenile probation officer.  
3 Such written report or probable cause affidavit must:

4 (b) Establish that the child was legally taken into  
5 custody, with sufficient information to establish the  
6 jurisdiction of the court and to make a prima facie showing  
7 that the child has committed a violation of law or a violation  
8 of supervision.

9 Section 11. Subsection (4) of section 985.225, Florida  
10 Statutes, is amended to read:

11 985.225 Indictment of a juvenile.--

12 (4)(a) Once a child has been indicted pursuant to this  
13 subsection and has been found to have committed any offense  
14 for which he or she was indicted as a part of the criminal  
15 episode, the child shall be handled thereafter in every  
16 respect as if an adult for any subsequent violation of state  
17 law, unless the court imposes juvenile sanctions under s.  
18 985.233.

19 (b) When a child has been indicted pursuant to this  
20 subsection the court shall immediately transfer and certify to  
21 the adult court all felony cases pertaining to the child, for  
22 prosecution of the child as an adult, which have not yet  
23 resulted in a plea of guilty or nolo contendere or in which a  
24 finding of guilt has not been made. If the child is acquitted  
25 of all charged offenses or lesser included offenses contained  
26 in the indictment case, all felony cases that were transferred  
27 to adult court pursuant to this paragraph shall be subject to  
28 the same penalties such cases were subject to before being  
29 transferred to adult court.

30 Section 12. Subsection (6) of section 985.218, Florida  
31 Statutes, 1998 Supplement, is repealed.

1           Section 13. Subsections (2) and (4) of section  
2 985.226, Florida Statutes, 1998 Supplement, are amended to  
3 read:

4           985.226 Criteria for waiver of juvenile court  
5 jurisdiction; hearing on motion to transfer for prosecution as  
6 an adult.--

7           (2) INVOLUNTARY WAIVER.--

8           (a) Discretionary ~~involuntary~~ waiver.--Except as  
9 provided in paragraph (b),the state attorney may file a  
10 motion requesting the court to transfer the child for criminal  
11 prosecution if the child was 14 years of age or older at the  
12 time the alleged delinquent act or violation of law was  
13 committed.

14           (b) Mandatory waiver.--

15           1. If the child was 14 years of age or older at the  
16 time the alleged delinquent act or violation of law was  
17 committed, and if the child has been previously adjudicated  
18 delinquent for an act classified as a felony, which  
19 adjudication was for the commission of, attempt to commit, or  
20 conspiracy to commit murder, sexual battery, armed or  
21 strong-armed robbery, carjacking, home-invasion robbery,  
22 aggravated battery, or aggravated assault, or burglary with an  
23 assault or battery, and the child is currently charged with a  
24 second or subsequent violent crime against a person; or, the  
25 state attorney shall file a motion requesting the court to  
26 transfer and certify the juvenile for prosecution as an adult,  
27 or proceed pursuant to s. 985.227(1).

28           2.(b) Mandatory involuntary waiver.--If the child was  
29 14 years of age or older at the time of commission of a fourth  
30 or subsequent alleged felony offense and the child was  
31 previously adjudicated delinquent or had adjudication withheld

1 for or was found to have committed, or to have attempted or  
2 conspired to commit, three offenses that are felony offenses  
3 if committed by an adult, and one or more of such felony  
4 offenses involved the use or possession of a firearm or  
5 violence against a person;7

6  
7 the state attorney shall request the court to transfer and  
8 certify the child for prosecution as an adult or shall provide  
9 written reasons to the court for not making such request, or  
10 proceed pursuant to s. 985.227(1). Upon the state attorney's  
11 request, the court shall either enter an order transferring  
12 the case and certifying the case for trial as if the child  
13 were an adult or provide written reasons for not issuing such  
14 an order.

15 (4) EFFECT OF ORDER WAIVING JURISDICTION.--

16 ~~(a) If the court finds, after a waiver hearing under~~  
17 ~~subsection (3), that a juvenile who was 14 years of age or~~  
18 ~~older at the time the alleged violation of state law was~~  
19 ~~committed should be charged and tried as an adult, the court~~  
20 ~~shall enter an order transferring the case and certifying the~~  
21 ~~case for trial as if the child were an adult. The child shall~~  
22 ~~thereafter be subject to prosecution, trial, and sentencing as~~  
23 ~~if the child were an adult but subject to the provisions of s.~~  
24 ~~985.233.~~ Once a child has been transferred for criminal  
25 prosecution pursuant to an involuntary waiver hearing and has  
26 been found to have committed the presenting offense or a  
27 lesser included offense, the child shall thereafter be handled  
28 in every respect as an adult for any subsequent violation of  
29 state law, unless the court imposes juvenile sanctions under  
30 s. 985.233.

31

1           (b) When a child is transferred for criminal  
2 prosecution as an adult, the court shall immediately transfer  
3 and certify to the adult court all felony cases pertaining to  
4 the child, for prosecution of the child as an adult, which  
5 have not yet resulted in a plea of guilty or nolo contendere  
6 or in which a finding of guilt has not been made. If the child  
7 is acquitted of all charged offenses or lesser included  
8 offenses contained in the original case transferred to adult  
9 court, all felony cases that were transferred to adult court  
10 pursuant to this paragraph shall be subject to the same  
11 penalties such cases were subject to before being transferred  
12 to adult court.

13           Section 14. Subsections (1), (2), (3), and (4) of  
14 section 985.227, Florida Statutes, are amended, and subsection  
15 (5) is added to that section, to read:

16           985.227 Prosecution of juveniles as adults by the  
17 direct filing of an information in the criminal division of  
18 the circuit court; discretionary criteria; mandatory  
19 criteria.--

20           (1) DISCRETIONARY DIRECT FILE; CRITERIA.--

21           (a) With respect to any child who was 14 or 15 years  
22 of age at the time the alleged offense was committed, the  
23 state attorney may file an information when in the state  
24 attorney's judgment and discretion the public interest  
25 requires that adult sanctions be considered or imposed and  
26 when the offense charged is for the commission of, attempt to  
27 commit, or conspiracy to commit:

- 28           1. Arson;
- 29           2. Sexual battery;
- 30           3. Robbery;
- 31           4. Kidnapping;

- 1           5. Aggravated child abuse;  
2           6. Aggravated assault;  
3           7. Aggravated stalking;  
4           8. Murder;  
5           9. Manslaughter;  
6           10. Unlawful throwing, placing, or discharging of a  
7 destructive device or bomb;  
8           11. Armed burglary in violation of s. 810.02(2)(b) or  
9 specified burglary of a dwelling or structure in violation of  
10 s. 810.02(2)(c), or burglary with an assault or battery in  
11 violation of s. 810.02(2)(a);  
12           12. Aggravated battery;  
13           13. Lewd or lascivious assault or act in the presence  
14 of a child;  
15           14. Carrying, displaying, using, threatening, or  
16 attempting to use a weapon or firearm during the commission of  
17 a felony; or  
18           15. Grand theft in violation of s. 812.014(2)(a);  
19           16. Home invasion robbery; or  
20           17. Carjacking.  
21           (b) Except as provided in subsection (2),with respect  
22 to any child who was 16 or 17 years of age at the time the  
23 alleged offense was committed, the state attorney may file an  
24 information when in the state attorney's judgment and  
25 discretion the public interest requires that adult sanctions  
26 be considered or imposed. Except as provided in subsection (2)  
27 ~~However~~, the state attorney may not file an information on a  
28 child charged with a misdemeanor, unless the child has had at  
29 least two previous adjudications or adjudications withheld for  
30 delinquent acts, one of which involved an offense classified  
31 as a felony under state law.



1 (2) MANDATORY DIRECT FILE.--

2 (a) With respect to any child who was 16 or 17 years  
3 of age at the time the alleged offense was committed, the  
4 state attorney shall file an information if the child has been  
5 previously adjudicated delinquent for an act classified as a  
6 felony, which adjudication was for the commission of, attempt  
7 to commit, or conspiracy to commit murder, sexual battery,  
8 armed or strong-armed robbery, carjacking, home-invasion  
9 robbery, aggravated battery, or aggravated assault, and the  
10 child is currently charged with a second or subsequent violent  
11 crime against a person.

12 (b) The state attorney must file an information  
13 charging a person as an adult for an offense committed by any  
14 child if the child was 16 years of age or older at the time of  
15 the offense and the offense would be a misdemeanor or a felony  
16 if committed by an adult, and either:

17 1. The child has received adjudications of  
18 delinquency, or adjudications of delinquency have been  
19 withheld for the child, for three acts that would be felonies  
20 if committed by an adult; or

21 2. The child has received adjudications of  
22 delinquency, or adjudications of delinquency have been  
23 withheld for the child, for six acts that would be either  
24 felonies or misdemeanors if committed by an adult.

25  
26 However, an act shall not be counted as an additional act  
27 under this paragraph if it occurred within 45 days of another  
28 act that is counted towards the maximum number of offenses  
29 under this paragraph which a juvenile may commit before adult  
30 sanctions must be imposed. Multiple counts within a case shall  
31 be considered one offense for the purposes of this paragraph

1 ~~Notwithstanding subsection (1), regardless of the child's age~~  
2 ~~at the time the alleged offense was committed, the state~~  
3 ~~attorney must file an information with respect to any child~~  
4 ~~who previously has been adjudicated for offenses which, if~~  
5 ~~committed by an adult, would be felonies and such~~  
6 ~~adjudications occurred at three or more separate delinquency~~  
7 ~~adjudicatory hearings, and three of which resulted in~~  
8 ~~residential commitments as defined in s. 985.03(45).~~

9 (c) The state attorney must file an information if a  
10 child, regardless of the child's age at the time the alleged  
11 offense was committed, is alleged to have committed an act  
12 that would be a violation of law if the child were an adult,  
13 that involves stealing a motor vehicle, including, but not  
14 limited to, a violation of s. 812.133, relating to carjacking,  
15 or s. 812.014(2)(c)6., relating to grand theft of a motor  
16 vehicle, and while the child was in possession of the stolen  
17 motor vehicle the child caused serious bodily injury to or the  
18 death of a person who was not involved in the underlying  
19 offense. For purposes of this section, the driver and all  
20 willing passengers in the stolen motor vehicle at the time  
21 such serious bodily injury or death is inflicted shall also be  
22 subject to mandatory transfer to adult court. "Stolen motor  
23 vehicle," for the purposes of this section, means a motor  
24 vehicle that has been the subject of any criminal wrongful  
25 taking. For purposes of this section, "willing passengers"  
26 means all willing passengers who have participated in the  
27 underlying offense.

28 (3) EFFECT OF DIRECT FILE.--

29 (a) Once a child has been transferred for criminal  
30 prosecution pursuant to an information and has been found to  
31 have committed the presenting offense or a lesser included

1 offense, the child shall be handled thereafter in every  
2 respect as if an adult for any subsequent violation of state  
3 law, unless the court imposes juvenile sanctions under s.  
4 985.233.

5 (b) When a child is transferred for criminal  
6 prosecution as an adult, the court shall immediately transfer  
7 and certify to the adult appropriate court all felony  
8 preadjudicatory cases pertaining to the child, for prosecution  
9 of the child as an adult, which have not yet resulted in a  
10 plea of guilty or nolo contendere or in which a finding of  
11 guilt has not been made. If a child is acquitted of all  
12 charged offenses or lesser included offenses contained in the  
13 original case transferred to adult court, all felony cases  
14 that were transferred to adult court as a result of this  
15 paragraph shall be subject to the same penalties to which such  
16 cases would have been subject before being transferred to  
17 adult court that pertain to that child which are pending in  
18 juvenile court, including, but not limited to, all cases  
19 involving offenses that occur or are referred between the date  
20 of transfer and sentencing in adult court and all outstanding  
21 juvenile disposition orders. The juvenile court shall make  
22 every effort to dispose of all predispositional cases and  
23 transfer those cases to the adult court prior to adult  
24 sentencing. It is the intent of the Legislature to require all  
25 cases occurring prior to the sentencing hearing in adult court  
26 to be handled by the adult court for final resolution with the  
27 original transfer case.

28 (c) When a child has been transferred for criminal  
29 prosecution as an adult and has been found to have committed a  
30 violation of state law, the disposition of the case may be  
31

1 made under s. 985.233 and may include the enforcement of any  
2 restitution ordered in any juvenile proceeding.

3 (4) DIRECT-FILE POLICIES AND GUIDELINES.--Each state  
4 attorney shall develop ~~and annually update~~ written policies  
5 and guidelines to govern determinations for filing an  
6 information on a juvenile, to be submitted to the Executive  
7 Office of the Governor, the President of the Senate, the  
8 Speaker of the House of Representatives, and the Juvenile  
9 Justice Advisory Board not later than January 1 of each year.

10 (5) An information filed pursuant to this section may  
11 include all charges that are based on the same act, criminal  
12 episode, or transaction as the primary offenses.

13 Section 15. Subsection (7) is added to section  
14 985.228, Florida Statutes, to read:

15 985.228 Adjudicatory hearings; withheld adjudications;  
16 orders of adjudication.--

17 (7) Notwithstanding any other provision of law, an  
18 adjudication of delinquency for an offense classified as a  
19 felony shall disqualify a person from lawfully possessing a  
20 firearm until such person reaches 24 years of age.

21 Section 16. Subsection (1) of section 790.23, Florida  
22 Statutes, 1998 Supplement, is amended to read:

23 790.23 Felons and delinquents; possession of firearms  
24 or electric weapons or devices unlawful.--

25 (1) It is unlawful for any person to own or to have in  
26 his or her care, custody, possession, or control any firearm  
27 or electric weapon or device, or to carry a concealed weapon,  
28 including a tear gas gun or chemical weapon or device, if that  
29 person has been:

30  
31

1           (a) Convicted of a felony ~~or found to have committed a~~  
2 ~~delinquent act that would be a felony if committed by an adult~~  
3 in the courts of this state;

4           **(b) Found, in the courts of this state, to have**  
5 **committed a delinquent act that would be a felony if committed**  
6 **by an adult and such person is under 24 years of age.**

7           ~~(c)~~ Convicted of or found to have committed a crime  
8 against the United States which is designated as a felony;

9           ~~(d)~~ Found to have committed a delinquent act in  
10 another state, territory, or country that would be a felony if  
11 committed by an adult and which was punishable by imprisonment  
12 for a term exceeding 1 year **and such person is under 24 years**  
13 **of age;** or

14           ~~(e)~~ Found guilty of an offense that is a felony in  
15 another state, territory, or country and which was punishable  
16 by imprisonment for a term exceeding 1 year.

17           Section 17. Paragraph (a) of subsection (1) of section  
18 985.231, Florida Statutes, 1998 Supplement, is amended to  
19 read:

20           985.231 Powers of disposition in delinquency cases.--

21           (1)(a) The court that has jurisdiction of an  
22 adjudicated delinquent child may, by an order stating the  
23 facts upon which a determination of a sanction and  
24 rehabilitative program was made at the disposition hearing:

25           1. Place the child in a community control program or  
26 an aftercare program under the supervision of an authorized  
27 agent of the Department of Juvenile Justice or of any other  
28 person or agency specifically authorized and appointed by the  
29 court, whether in the child's own home, in the home of a  
30 relative of the child, or in some other suitable place under  
31 such reasonable conditions as the court may direct. A

1 community control program for an adjudicated delinquent child  
2 must include a penalty component such as restitution in money  
3 or in kind, community service, a curfew, revocation or  
4 suspension of the driver's license of the child, or other  
5 nonresidential punishment appropriate to the offense and must  
6 also include a rehabilitative program component such as a  
7 requirement of participation in substance abuse treatment or  
8 in school or other educational program. Upon the  
9 recommendation of the department at the time of disposition,  
10 or subsequent to disposition pursuant to the filing of a  
11 petition alleging a violation of the child's conditions of  
12 community control or aftercare supervision, the court may  
13 order the child to submit to random testing for the purpose of  
14 detecting and monitoring the use of alcohol or controlled  
15 substances.

16 a. A restrictiveness level classification scale for  
17 levels of supervision shall be provided by the department,  
18 taking into account the child's needs and risks relative to  
19 community control supervision requirements to reasonably  
20 ensure the public safety. Community control programs for  
21 children shall be supervised by the department or by any other  
22 person or agency specifically authorized by the court. These  
23 programs must include, but are not limited to, structured or  
24 restricted activities as described in this subparagraph, and  
25 shall be designed to encourage the child toward acceptable and  
26 functional social behavior. If supervision or a program of  
27 community service is ordered by the court, the duration of  
28 such supervision or program must be consistent with any  
29 treatment and rehabilitation needs identified for the child  
30 and may not exceed the term for which sentence could be  
31 imposed if the child were committed for the offense, except

1 that the duration of such supervision or program for an  
2 offense that is a misdemeanor of the second degree, or is  
3 equivalent to a misdemeanor of the second degree, may be for a  
4 period not to exceed 6 months. When restitution is ordered by  
5 the court, the amount of restitution may not exceed an amount  
6 the child and the parent or guardian could reasonably be  
7 expected to pay or make. A child who participates in any work  
8 program under this part is considered an employee of the state  
9 for purposes of liability, unless otherwise provided by law.

10         b. The court may conduct judicial review hearings for  
11 a child placed on community control for the purpose of  
12 fostering accountability to the judge and compliance with  
13 other requirements, such as restitution and community service.  
14 The court may allow early termination of community control for  
15 a child who has substantially complied with the terms and  
16 conditions of community control.

17         c. If the conditions of the community control program  
18 ~~or the aftercare program~~ are violated, the agent supervising  
19 the program as it relates to the child involved, or the state  
20 attorney, may bring the child before the court on an affidavit  
21 ~~petition~~ alleging a violation of the program. Any child who  
22 violates the conditions of community control ~~or aftercare~~ must  
23 be brought before the court if sanctions are sought. A child  
24 taken into custody under s. 985.207 for violating the  
25 conditions of community control ~~or aftercare~~ shall be held in  
26 a consequence unit if such a unit is available. The child  
27 shall be afforded a hearing within 24 hours after being taken  
28 into custody to determine the existence of probable cause that  
29 the child violated the conditions of community control ~~or~~  
30 ~~aftercare~~. A consequence unit is a secure facility  
31 specifically designated by the department for children who are

1 taken into custody under s. 985.207 for violating community  
2 control ~~or aftercare~~, or who have been found by the court to  
3 have violated the conditions of community control ~~or~~  
4 ~~aftercare~~. If the violation involves a new charge of  
5 delinquency, the child may be detained under s. 985.215 in a  
6 facility other than a consequence unit. If the child is not  
7 eligible for detention for the new charge of delinquency, the  
8 child may be held in the consequence unit pending a hearing  
9 and is subject to the time limitations specified in s.  
10 985.215. If the child denies violating the conditions of  
11 community control ~~or aftercare~~, the court shall appoint  
12 counsel to represent the child at the child's request. Upon  
13 the child's admission, or if the court finds after a hearing  
14 that the child has violated the conditions of community  
15 control ~~or aftercare~~, the court shall enter an order revoking,  
16 modifying, or continuing community control ~~or aftercare~~. In  
17 each such case, the court shall enter a new disposition order  
18 and, in addition to the sanctions set forth in this paragraph,  
19 may impose any sanction the court could have imposed at the  
20 original disposition hearing. If the child is found to have  
21 violated the conditions of community control ~~or aftercare~~, the  
22 court may:

23 (I) Place the child in a consequence unit in that  
24 judicial circuit, if available, for up to 5 days for a first  
25 violation, and up to 15 days for a second or subsequent  
26 violation.

27 (II) Place the child on home detention with electronic  
28 monitoring. However, this sanction may be used only if a  
29 residential consequence unit is not available.

30 (III) Modify or continue the child's community control  
31 program ~~or aftercare program~~.



1 (IV) Revoke community control ~~or aftercare~~ and commit  
2 the child to the department.

3 d. Notwithstanding s. 743.07 and paragraph (d), and  
4 except as provided in s. 985.31, the term of any order placing  
5 a child in a community control program must be until the  
6 child's 19th birthday unless he or she is released by the  
7 court, on the motion of an interested party or on its own  
8 motion.

9 2. Commit the child to a licensed child-caring agency  
10 willing to receive the child, ~~but~~ The court may not commit  
11 the child to a jail or to a facility used primarily as a  
12 detention center or facility or shelter.

13 3. Commit the child to the Department of Juvenile  
14 Justice at a restrictiveness level defined in s. 985.03(45).  
15 Such commitment must be for the purpose of exercising active  
16 control over the child, including, but not limited to,  
17 custody, care, training, urine monitoring, and treatment of  
18 the child and furlough of the child into the community.  
19 Notwithstanding s. 743.07 and paragraph (d), and except as  
20 provided in s. 985.31, the term of the commitment must be  
21 until the child is discharged by the department or until he or  
22 she reaches the age of 21.

23 4. Revoke or suspend the driver's license of the  
24 child.

25 5. Require the child and, if the court finds it  
26 appropriate, the child's parent or guardian together with the  
27 child, to render community service in a public service  
28 program.

29 6. As part of the community control program to be  
30 implemented by the Department of Juvenile Justice, or, in the  
31 case of a committed child, as part of the community-based

1 sanctions ordered by the court at the disposition hearing or  
2 before the child's release from commitment, order the child to  
3 make restitution in money, through a promissory note cosigned  
4 by the child's parent or guardian, or in kind for any damage  
5 or loss caused by the child's offense in a reasonable amount  
6 or manner to be determined by the court. The clerk of the  
7 circuit court shall be the receiving and dispensing agent. In  
8 such case, the court shall order the child or the child's  
9 parent or guardian to pay to the office of the clerk of the  
10 circuit court an amount not to exceed the actual cost incurred  
11 by the clerk as a result of receiving and dispensing  
12 restitution payments. The clerk shall notify the court if  
13 restitution is not made, and the court shall take any further  
14 action that is necessary against the child or the child's  
15 parent or guardian. A finding by the court, after a hearing,  
16 that the parent or guardian has made diligent and good faith  
17 efforts to prevent the child from engaging in delinquent acts  
18 absolves the parent or guardian of liability for restitution  
19 under this subparagraph.

20           7. Order the child and, if the court finds it  
21 appropriate, the child's parent or guardian together with the  
22 child, to participate in a community work project, either as  
23 an alternative to monetary restitution or as part of the  
24 rehabilitative or community control program.

25           8. Commit the child to the Department of Juvenile  
26 Justice for placement in a program or facility for serious or  
27 habitual juvenile offenders in accordance with s. 985.31. Any  
28 commitment of a child to a program or facility for serious or  
29 habitual juvenile offenders must be for an indeterminate  
30 period of time, but the time may not exceed the maximum term  
31 of imprisonment that an adult may serve for the same offense.

1 The court may retain jurisdiction over such child until the  
2 child reaches the age of 21, specifically for the purpose of  
3 the child completing the program.

4           9. In addition to the sanctions imposed on the child,  
5 order the parent or guardian of the child to perform community  
6 service if the court finds that the parent or guardian did not  
7 make a diligent and good faith effort to prevent the child  
8 from engaging in delinquent acts. The court may also order the  
9 parent or guardian to make restitution in money or in kind for  
10 any damage or loss caused by the child's offense. The court  
11 shall determine a reasonable amount or manner of restitution,  
12 and payment shall be made to the clerk of the circuit court as  
13 provided in subparagraph 6.

14           10. Subject to specific appropriation, commit the  
15 juvenile sexual offender to the Department of Juvenile Justice  
16 for placement in a program or facility for juvenile sexual  
17 offenders in accordance with s. 985.308. Any commitment of a  
18 juvenile sexual offender to a program or facility for juvenile  
19 sexual offenders must be for an indeterminate period of time,  
20 but the time may not exceed the maximum term of imprisonment  
21 that an adult may serve for the same offense. The court may  
22 retain jurisdiction over a juvenile sexual offender until the  
23 juvenile sexual offender reaches the age of 21, specifically  
24 for the purpose of completing the program.

25           Section 18. Subsection (4) of section 985.233, Florida  
26 Statutes, is amended to read:

27           985.233 Sentencing powers; procedures; alternatives  
28 for juveniles prosecuted as adults.--

29           (4) SENTENCING ALTERNATIVES.--

30           (a) Sentencing to adult sanctions.--

31

1           1. Cases prosecuted on indictment.--If the child is  
2 found to have committed the offense punishable by death or  
3 life imprisonment, the child shall be sentenced as an adult.  
4 If the juvenile is not found to have committed the indictable  
5 offense but is found to have committed a lesser included  
6 offense or any other offense for which he or she was indicted  
7 as a part of the criminal episode, the court may sentence as  
8 follows:

9           a. As an adult ~~pursuant to this section;~~

10           b. By withholding adjudication of guilt as an adult  
11 and committing the offender to a residential program with the  
12 Department of Juvenile Justice. Such residential program must  
13 be followed by aftercare, postcommitment community control, or  
14 other supervision by the department or a provider under  
15 contract with the department for a minimum of 1 year after the  
16 conclusion of the residential program. The court shall order  
17 appropriate conditions of supervision and commitment, and  
18 violations of such conditions shall be prosecuted pursuant to  
19 s. 985.233(4)(d). A judge in adult court shall have the  
20 authority to access programs of the Department of Juvenile  
21 Justice for purposes of sentencing a person pursuant to this  
22 provision;

23           ~~c.b.~~ Pursuant to chapter 958, ~~notwithstanding any~~  
24 ~~other provision of that chapter to the contrary;~~ or

25           ~~d.e.~~ As a juvenile pursuant to this section.

26           2. Other cases.--If a child who has been transferred  
27 for criminal prosecution pursuant to information or waiver of  
28 juvenile court jurisdiction is found to have committed a  
29 violation of state law or a lesser included offense for which  
30 he or she was charged as a part of the criminal episode, the  
31 court may sentence as follows:

1           a. As an adult ~~pursuant to this section;~~  
2           b. By withholding adjudication of guilt as an adult  
3 and committing the offender to a residential program with the  
4 Department of Juvenile Justice. Such residential program must  
5 be followed by aftercare, postcommitment community control, or  
6 other supervision by the department or a provider under  
7 contract with the department for a minimum of 1 year after the  
8 conclusion of the residential program. The court shall order  
9 appropriate conditions of supervision and commitment, and  
10 violations of such conditions shall be prosecuted pursuant to  
11 s. 985.233(4)(d). A judge in adult court shall have the  
12 authority to access programs of the Department of Juvenile  
13 Justice for purposes of sentencing a person pursuant to this  
14 provision;  
15           ~~c.b.~~ Pursuant to chapter 958, ~~notwithstanding any~~  
16 ~~other provision of that chapter to the contrary;~~ or  
17           ~~d.c.~~ As a juvenile pursuant to this section.  
18           3. Notwithstanding any other provision to the  
19 contrary, if the state attorney is required to file a motion  
20 to transfer and certify the juvenile for prosecution as an  
21 adult pursuant to s. 985.226(2)(b) and that motion is granted,  
22 or if the state attorney is required to file an information  
23 pursuant to s. 985.227(2)(a) or (b), the court may not impose  
24 juvenile sanctions or impose a sentence pursuant to  
25 subparagraph 1.b. or subparagraph 2.b.  
26           ~~4.3.~~ Any sentence imposing adult sanctions is presumed  
27 appropriate, and the court is not required to set forth  
28 specific findings or enumerate the criteria in this subsection  
29 as any basis for its decision to impose adult sanctions.  
30           ~~5.4.~~ When a child has been transferred for criminal  
31 prosecution as an adult and has been found to have committed a

1 violation of state law, the disposition of the case may  
2 include the enforcement of any restitution ordered in any  
3 juvenile proceeding.

4 (b) Sentencing to juvenile sanctions.--For juveniles  
5 who are transferred to adult court but who do not qualify for  
6 such transfer pursuant to s. 985.226(2)(b) or s. 985.227(2)(a)  
7 or (b), the court may impose juvenile sanctions under this  
8 paragraph. The court shall ~~In order to use this paragraph, the~~  
9 ~~court shall stay adjudication of guilt and instead shall~~  
10 ~~adjudge the child to have committed a delinquent act.~~  
11 ~~Adjudication of delinquency shall not be deemed a conviction,~~  
12 ~~nor shall it operate to impose any of the civil disabilities~~  
13 ~~ordinarily resulting from a conviction. The court shall impose~~  
14 ~~an adult sanction or a juvenile sanction and may not sentence~~  
15 ~~the child to a combination of adult and juvenile punishments.~~  
16 ~~An adult sanction or a juvenile sanction may include~~  
17 ~~enforcement of an order of restitution or community control~~  
18 ~~previously ordered in any juvenile proceeding. However, if the~~  
19 ~~court imposes a juvenile sanction and the department~~  
20 ~~determines that the sanction is unsuitable for the child, the~~  
21 ~~department shall return custody of the child to the sentencing~~  
22 ~~court for further proceedings, including the imposition of~~  
23 ~~adult sanctions.~~ Upon adjudicating a child delinquent under  
24 subsection (1), the court may:

25 1. Place the child in a community control program  
26 under the supervision of the department for an indeterminate  
27 period of time until the child reaches the age of 19 years or  
28 sooner if discharged by order of the court.

29 2. Commit the child to the department for treatment in  
30 an appropriate program for children for an indeterminate  
31 period of time until the child is 21 or sooner if discharged

1 by the department. The department shall notify the court of  
2 its intent to discharge no later than 14 days prior to  
3 discharge. Failure of the court to timely respond to the  
4 department's notice shall be considered approval for  
5 discharge.

6 3. Order disposition pursuant to s. 985.231 as an  
7 alternative to youthful offender or adult sentencing if the  
8 court determines not to impose youthful offender or adult  
9 sanctions.

10 (c) Imposition of adult sanctions upon failure of  
11 juvenile sanctions.--If a child proves not to be suitable to a  
12 community control program or for a treatment program under the  
13 provisions of subparagraph (b)2., the court may revoke the  
14 previous adjudication, impose an adjudication of guilt,  
15 classify the child as a youthful offender when appropriate,  
16 and impose any sentence which it may lawfully impose, giving  
17 credit for all time spent by the child in the department.

18 (d) Violation of commitment or supervision.--If an  
19 offender violates the conditions of commitment, aftercare,  
20 postcommitment community control, or other supervision and an  
21 adjudication of guilt as an adult was withheld for such  
22 offender pursuant to s. 985.233(4)(b)1.b. or s.  
23 985.233(4)(b)2.b., the Department of Juvenile Justice shall  
24 file an affidavit with the sentencing court alleging the  
25 violation. Upon receiving the affidavit, the court shall  
26 issue a warrant for the arrest of the offender and hold a  
27 hearing on the merits of the affidavit. If the offender is  
28 found to be in violation, the court may revoke the previous  
29 commitment or supervision and impose any lawful adult sentence  
30 that does not include supervision or commitment by the

31

1 Department of Juvenile Justice, giving credit for all time  
2 spent under the department.

3 (e)~~(d)~~ Recoupment of cost of care in juvenile justice  
4 facilities.--When the court orders commitment of a child to  
5 the Department of Juvenile Justice for treatment in any of the  
6 department's programs for children, the court shall order the  
7 natural or adoptive parents of such child, the natural father  
8 of such child born out of wedlock who has acknowledged his  
9 paternity in writing before the court, or guardian of such  
10 child's estate, if possessed of assets which under law may be  
11 disbursed for the care, support, and maintenance of the child,  
12 to pay fees to the department equal to the actual cost of the  
13 care, support, and maintenance of the child, unless the court  
14 determines that the parent or legal guardian of the child is  
15 indigent. The court may reduce the fees or waive the fees upon  
16 a showing by the parent or guardian of an inability to pay the  
17 full cost of the care, support, and maintenance of the child.  
18 In addition, the court may waive the fees if it finds that the  
19 child's parent or guardian was the victim of the child's  
20 delinquent act or violation of law or if the court finds that  
21 the parent or guardian has made a diligent and good faith  
22 effort to prevent the child from engaging in the delinquent  
23 act or violation of law. When the order affects the  
24 guardianship estate, a certified copy of the order shall be  
25 delivered to the judge having jurisdiction of the guardianship  
26 estate.

27 (f)~~(e)~~ Further proceedings heard in adult court.--When  
28 a child is sentenced to juvenile sanctions, further  
29 proceedings involving those sanctions shall continue to be  
30 heard in the adult court.

31



1           (g) Scope of sanction; custody return to sentencing  
2 court.--An adult sanction or a juvenile sanction may include  
3 enforcement of an order of restitution or community control  
4 previously ordered in any juvenile proceeding. However, if the  
5 court imposes a juvenile sanction and the department  
6 determines that the sanction is unsuitable for the child, the  
7 department shall return custody of the child to the sentencing  
8 court for further proceedings, including the imposition of  
9 adult sanctions.

10  
11 It is the intent of the Legislature that the criteria and  
12 guidelines in this subsection are mandatory and that a  
13 determination of disposition under this subsection is subject  
14 to the right of the child to appellate review under s.  
15 985.234.

16           Section 19. For the purpose of incorporating the  
17 amendment to section 985.233, Florida Statutes, in references  
18 thereto, subsection (3) of section 985.225, Florida Statutes,  
19 and paragraph (k) of subsection (3) of section 985.31, Florida  
20 Statutes, 1998 Supplement, are reenacted to read:

21           985.225 Indictment of a juvenile.--

22           (3) If the child is found to have committed the  
23 offense punishable by death or by life imprisonment, the child  
24 shall be sentenced as an adult. If the juvenile is not found  
25 to have committed the indictable offense but is found to have  
26 committed a lesser included offense or any other offense for  
27 which he or she was indicted as a part of the criminal  
28 episode, the court may sentence pursuant to s. 985.233.

29           985.31 Serious or habitual juvenile offender.--

30           (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND  
31 TREATMENT.--

1           (k) Any commitment of a child to the department for  
2 placement in a serious or habitual juvenile offender program  
3 or facility shall be for an indeterminate period of time, but  
4 the time shall not exceed the maximum term of imprisonment  
5 which an adult may serve for the same offense. Notwithstanding  
6 the provisions of ss. 743.07 and 985.231(1)(d), a serious or  
7 habitual juvenile offender shall not be held under commitment  
8 from a court pursuant to this section, s. 985.231, or s.  
9 985.233 after becoming 21 years of age. This provision shall  
10 apply only for the purpose of completing the serious or  
11 habitual juvenile offender program pursuant to this chapter  
12 and shall be used solely for the purpose of treatment.

13           Section 20. Subsections (2) and (6) of section  
14 985.309, Florida Statutes, 1998 Supplement, are amended to  
15 read:

16           985.309 Boot camp for children.--

17           (2) A child may be placed in a boot camp program, in  
18 connection with a juvenile disposition, if he or she is at  
19 least 14 years of age and has not entered a plea of guilty or  
20 nolo contendere to, or been adjudicated of,~~but less than 18~~  
21 ~~years of age at the time of adjudication and has been~~  
22 ~~committed to the department for any offense that, if committed~~  
23 ~~by an adult, would be a felony, other than a capital felony, a~~  
24 life felony, or a violent felony of the first degree. A child  
25 may be placed in an early-intervention boot camp program if he  
26 or she is at least 12 years of age, has not entered a plea of  
27 guilty or nolo contendere to, or been adjudicated of, a  
28 capital felony, a life felony, or a violent felony of the  
29 first degree, and otherwise qualifies pursuant to paragraph  
30 (6)(c).

31

1           (6) A boot camp operated by the department, a county,  
2 or a municipality must provide for the following minimum  
3 periods of participation:

4           (a) A participant in a low-risk residential program  
5 must spend at least 2 months in the boot camp component of the  
6 program and at least 2 months in aftercare.

7           (b) A participant in a moderate-risk residential  
8 program must spend at least 4 months in the boot camp  
9 component of the program and at least 4 months in aftercare.

10           (c) The department, a county, or a municipality may  
11 operate an early-intervention boot camp program consisting of  
12 at least a 10-day residential boot camp component followed by  
13 at least 2 months in aftercare. The purpose of an  
14 early-intervention boot camp program is to discourage young  
15 offenders from having further contact with the criminal  
16 justice system by emphasizing intensive educational and  
17 physical training, discipline, and personal responsibility.  
18 Any participant in an early-intervention boot camp who does  
19 not successfully complete the program is automatically  
20 disqualified from future participation in an  
21 early-intervention boot camp unless good cause is shown for  
22 the participant's failure to complete the program due to  
23 exceptional circumstances. A participant in an  
24 early-intervention boot camp program may not have more than  
25 two prior cases involving acts that would be felonies if  
26 committed by an adult, nor shall a participant in an  
27 early-intervention boot camp program have more than four prior  
28 cases involving any combination of acts that would be either  
29 misdemeanors or felonies if committed by an adult.  
30  
31

1 This subsection does not preclude the operation of a program  
2 that requires the participants to spend more than 4 months in  
3 the boot camp component of the program or that requires the  
4 participants to complete two sequential programs of 4 months  
5 each in the boot camp component of the program.

6 Section 21. For the purpose of incorporating the  
7 amendment to section 985.309, Florida Statutes, 1998  
8 Supplement, in references thereto, paragraph (j) of subsection  
9 (1) of section 985.231, Florida Statutes, 1998 Supplement,  
10 paragraph (i) of subsection (3) of section 095.31, Florida  
11 Statutes, 1998 Supplement, paragraph (i) of subsection (3) of  
12 section 985.311, Florida Statutes, 1998 Supplement, and  
13 paragraph (a) of subsection (1) of section 385.314, Florida  
14 Statutes, are reenacted to read:

15 985.231 Powers of disposition in delinquency cases.--

16 (1)

17 (j) If the offense committed by the child was grand  
18 theft of a motor vehicle, the court:

19 1. Upon a first adjudication for a grand theft of a  
20 motor vehicle, may place the youth in a boot camp, unless the  
21 child is ineligible pursuant to s. 985.309, and shall order  
22 the youth to complete a minimum of 50 hours of community  
23 service.

24 2. Upon a second adjudication for grand theft of a  
25 motor vehicle which is separate and unrelated to the previous  
26 adjudication, may place the youth in a boot camp, unless the  
27 child is ineligible pursuant to s. 985.309, and shall order  
28 the youth to complete a minimum of 100 hours of community  
29 service.

30 3. Upon a third adjudication for grand theft of a  
31 motor vehicle which is separate and unrelated to the previous

1 adjudications, shall place the youth in a boot camp or other  
2 treatment program, unless the child is ineligible pursuant to  
3 s. 985.309, and shall order the youth to complete a minimum of  
4 250 hours of community service.

5 985.31 Serious or habitual juvenile offender.--

6 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND  
7 TREATMENT.--

8 (i) The treatment and placement recommendations shall  
9 be submitted to the court for further action pursuant to this  
10 paragraph:

11 1. If it is recommended that placement in a serious or  
12 habitual juvenile offender program or facility is  
13 inappropriate, the court shall make an alternative disposition  
14 pursuant to s. 985.309 or other alternative sentencing as  
15 applicable, utilizing the recommendation as a guide.

16 2. If it is recommended that placement in a serious or  
17 habitual juvenile offender program or facility is appropriate,  
18 the court may commit the child to the department for placement  
19 in the restrictiveness level designated for serious or  
20 habitual delinquent children programs.

21 985.311 Intensive residential treatment program for  
22 offenders less than 13 years of age.--

23 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND  
24 TREATMENT.--

25 (i) The treatment and placement recommendations shall  
26 be submitted to the court for further action pursuant to this  
27 paragraph:

28 1. If it is recommended that placement in an intensive  
29 residential treatment program for offenders less than 13 years  
30 of age is inappropriate, the court shall make an alternative  
31 disposition pursuant to s. 985.309 or other alternative

1 sentencing as applicable, utilizing the recommendation as a  
2 guide.

3           2. If it is recommended that placement in an intensive  
4 residential treatment program for offenders less than 13 years  
5 of age is appropriate, the court may commit the child to the  
6 department for placement in the restrictiveness level  
7 designated for intensive residential treatment program for  
8 offenders less than 13 years of age.

9           985.314 Commitment programs for juvenile felony  
10 offenders.--

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

15           (a) A boot camp program under s. 985.309 if the child  
16 has participated in an early delinquency intervention program  
17 as provided in s. 985.305.

18           Section 22. Paragraph (b) of subsection (11) of  
19 section 985.404, Florida Statutes, 1998 Supplement, is amended  
20 to read:

21           985.404 Administering the juvenile justice  
22 continuum.--

23           (11)

24           (b) The department shall rank commitment programs  
25 based on the cost-effectiveness model and shall submit a  
26 report to the appropriate substantive and fiscal committees of  
27 each house of the Legislature by December 31 of each year.

28 The report must consider at least the following factors:

29           1. The recidivism rate, measured by whether a juvenile  
30 has been arrested within 18 months after leaving a commitment  
31 program, regardless of whether the commitment program was

1 successfully completed. The recidivism rate for community  
2 control, furlough, and aftercare shall be measured by whether  
3 the juvenile has been arrested within 1 year after leaving  
4 community control, furlough, or aftercare, regardless of  
5 whether the supervision was successfully completed.

6 2. The seriousness of the criminal history of the  
7 juveniles in the program.

8 3. The program's cost-per-client.

9 4. The average age of the juveniles in the program.

10 Section 23. Subsection (12) is added to section  
11 985.219, Florida Statutes, to read:

12 985.219 Process and service.--

13 (12) Any parent, legal guardian, or adult relative who  
14 receives a notice to appear, accepts custody of a child from a  
15 law enforcement officer or an authorized agent of the  
16 department, and fails to produce the child for the specified  
17 court proceeding, or any parent or legal guardian who fails to  
18 produce the child for a court appearance in response to a  
19 summons, in addition to any other penalty provided by law, may  
20 be assessed a civil penalty of up to \$100, payable to the  
21 clerk of the circuit court.

22 Section 24. Subsections (4) and (5) of section 985.02,  
23 Florida Statutes, are amended, present subsections (6) and (7)  
24 of that section are redesignated as subsections (7) and (8),  
25 respectively, and a new subsection (6) is added to that  
26 section, to read:

27 985.02 Legislative intent for the juvenile justice  
28 system.--

29 (4) DETENTION.--

30 (a) The Legislature finds that there is a need for a  
31 secure placement for certain children alleged to have

1 committed a delinquent act. The Legislature finds that  
2 detention under part II should be used only when less  
3 restrictive interim placement alternatives prior to  
4 adjudication and disposition are not appropriate. The  
5 Legislature further finds that decisions to detain should be  
6 based in part on a prudent assessment of risk and be limited  
7 to situations where there is clear and convincing evidence  
8 that a child presents a risk of failing to appear or presents  
9 a substantial risk of inflicting bodily harm on others as  
10 evidenced by recent behavior; presents a history of committing  
11 a serious property offense prior to adjudication, disposition,  
12 or placement; has acted in direct or indirect contempt of  
13 court; or requests protection from imminent bodily harm.

14 (b) The Legislature intends that a juvenile found to  
15 have committed a delinquent act understands the consequences  
16 and the serious nature of such behavior. Therefore, the  
17 Legislature finds that secure detention is appropriate to  
18 provide punishment that discourages further delinquent  
19 behavior. ~~The Legislature also finds that certain juveniles~~  
20 ~~have committed a sufficient number of criminal acts, including~~  
21 ~~acts involving violence to persons, to represent sufficient~~  
22 ~~danger to the community to warrant sentencing and placement~~  
23 ~~within the adult system. It is the intent of the Legislature~~  
24 ~~to establish clear criteria in order to identify these~~  
25 ~~juveniles and remove them from the juvenile justice system.~~

26 (5) SERIOUS OR HABITUAL JUVENILE OFFENDERS.--The  
27 Legislature finds that fighting crime effectively requires a  
28 multipronged effort focusing on particular classes of  
29 delinquent children and the development of particular  
30 programs. This state's juvenile justice system has an  
31 inadequate number of beds for serious or habitual juvenile



1 offenders and an inadequate number of community and  
2 residential programs for a significant number of children  
3 whose delinquent behavior is due to or connected with illicit  
4 substance abuse. ~~In addition, a significant number of children~~  
5 ~~have been adjudicated in adult criminal court and placed in~~  
6 ~~this state's prisons where programs are inadequate to meet~~  
7 ~~their rehabilitative needs and where space is needed for adult~~  
8 ~~offenders. Recidivism rates for each of these classes of~~  
9 ~~offenders exceed those tolerated by the Legislature and by the~~  
10 ~~citizens of this state.~~

11 (6) REPEAT AND VIOLENT JUVENILE OFFENDERS.--The  
12 Legislature also finds that certain juveniles have committed a  
13 sufficient number of criminal acts, have been provided  
14 rehabilitative services throughout the juvenile justice  
15 system, and are of sufficient age to have demonstrated by a  
16 repeated pattern of criminal behavior that further  
17 rehabilitative efforts through the juvenile justice system  
18 would be ineffective in stopping future criminal conduct. It  
19 is the intent of the Legislature to establish clear criteria  
20 in order to identify these juveniles and remove them from the  
21 juvenile justice system. The Legislature also finds that some  
22 juveniles have committed criminal acts of violence of such a  
23 serious nature that imprisonment is necessary to protect  
24 public safety.

25 Section 25. Section 985.313, Florida Statutes, is  
26 amended to read:

27 985.313 Juvenile prison ~~Maximum-risk residential~~  
28 ~~program.--A juvenile prison maximum-risk residential program~~  
29 is a physically secure residential commitment program with a  
30 designated length of stay from 18 months to 36 months,  
31 primarily serving children 13 years of age to 19 years of age,

1 or until the jurisdiction of the court expires. The court may  
2 retain jurisdiction over the child until the child reaches the  
3 age of 21, specifically for the purpose of the child  
4 completing the program. Each child committed to this level  
5 must meet one of the following criteria:

6 (1) The youth is at least 13 years of age at the time  
7 of the disposition for the current offense and has been  
8 adjudicated on the current offense for:

- 9 (a) Arson;  
10 (b) Sexual battery;  
11 (c) Robbery;  
12 (d) Kidnapping;  
13 (e) Aggravated child abuse;  
14 (f) Aggravated assault;  
15 (g) Aggravated stalking;  
16 (h) Murder;  
17 (i) Manslaughter;  
18 (j) Unlawful throwing, placing, or discharging of a  
19 destructive device or bomb;  
20 (k) Armed burglary;  
21 (l) Aggravated battery;  
22 (m) Carjacking;  
23 (n) Home-invasion robbery;  
24 (o) Burglary with an assault or battery;  
25 (p)~~(m)~~ Lewd or lascivious assault or act in the  
26 presence of a child; or  
27 (q)~~(n)~~ Carrying, displaying, using, threatening to  
28 use, or attempting to use a weapon or firearm during the  
29 commission of a felony.

30 (2) The youth is at least 13 years of age at the time  
31 of the disposition, the current offense is a felony, and the

1 child has previously been committed three or more times to a  
2 delinquency commitment program.

3 (3) The youth is at least 13 years of age and is  
4 currently committed for a felony offense and transferred from  
5 a moderate-risk or high-risk residential commitment placement.

6 (4) The youth is at least 13 years of age at the time  
7 of the disposition for the current offense, the youth is  
8 eligible for prosecution as an adult for the current offense,  
9 and the current offense is ranked at level 7 or higher on the  
10 Criminal Punishment Code offense severity ranking chart  
11 pursuant to s. 921.0022.

12 Section 26. This act shall take effect July 1, 1999.

13

14 \*\*\*\*\*

15 LEGISLATIVE SUMMARY

16

17 Provides that certain adjudications of delinquency are  
18 admissible into evidence for impeachment purposes.  
19 Revises or enacts various provisions in parts I, II, III,  
20 and IV of chapter 985, F.S., relating to general  
21 provisions, delinquency case proceedings, the juvenile  
22 justice continuum, and juvenile justice system  
23 administration, respectively. Revises provisions in  
24 chapter 921, F.S., relating to sentencing of persons with  
25 juvenile records and juveniles prosecuted as adults.  
26 Revises provisions in chapter 943, F.S., relating to  
27 criminal history records of minors. Renames maximum-risk  
28 residential programs as juvenile prisons. Provides  
29 criteria under which a juvenile may be committed to a  
30 juvenile prison. (See bill for details.)  
31