



- 1           3. Robbery;
- 2           4. Kidnapping;
- 3           5. Aggravated child abuse;
- 4           6. Aggravated assault;
- 5           7. Aggravated stalking;
- 6           8. Murder;
- 7           9. Manslaughter;
- 8           10. Unlawful throwing, placing, or discharging of a
- 9 destructive device or bomb;
- 10           11. Armed burglary in violation of s. 810.02(2)(b) or
- 11 specified burglary of a dwelling or structure in violation of
- 12 s. 810.02(2)(c);
- 13           12. Aggravated battery;
- 14           13. Lewd or lascivious assault or act in the presence
- 15 of a child;
- 16           14. Carrying, displaying, using, threatening, or
- 17 attempting to use a weapon or firearm during the commission of
- 18 a felony; ~~or~~
- 19           15. Grand theft in violation of s. 812.014(2)(a); or
- 20           16. Grand theft of a motor vehicle in violation of s.
- 21 812.014(2)(c)6. or grand theft of a motor vehicle valued at
- 22 \$20,000 or more in violation of s. 812.014(2)(b) if the child
- 23 has a previous adjudication for grand theft of a motor vehicle
- 24 in violation of s. 812.014(2)(c)6. or s. 812.014(2)(b).

25           Section 2. For the purpose of incorporating the  
26 amendment made by this act to section 985.227, Florida  
27 Statutes, in a reference thereto, paragraph (e) of subsection  
28 (4) of section 985.21, Florida Statutes, is reenacted to read:  
29           985.21 Intake and case management.--  
30           (4) The intake counselor or case manager shall make a  
31 preliminary determination as to whether the report, affidavit,

1 or complaint is complete, consulting with the state attorney  
2 as may be necessary. In any case where the intake counselor or  
3 case manager or the state attorney finds that the report,  
4 affidavit, or complaint is insufficient by the standards for a  
5 probable cause affidavit, the intake counselor or case manager  
6 or state attorney shall return the report, affidavit, or  
7 complaint, without delay, to the person or agency originating  
8 the report, affidavit, or complaint or having knowledge of the  
9 facts or to the appropriate law enforcement agency having  
10 investigative jurisdiction of the offense, and shall request,  
11 and the person or agency shall promptly furnish, additional  
12 information in order to comply with the standards for a  
13 probable cause affidavit.

14 (e) The state attorney may in all cases take action  
15 independent of the action or lack of action of the intake  
16 counselor or case manager, and shall determine the action  
17 which is in the best interest of the public and the child. If  
18 the child meets the criteria requiring prosecution as an adult  
19 pursuant to s. 985.226, the state attorney shall request the  
20 court to transfer and certify the child for prosecution as an  
21 adult or shall provide written reasons to the court for not  
22 making such request. In all other cases, the state attorney  
23 may:

- 24 1. File a petition for dependency;
- 25 2. File a petition pursuant to chapter 984;
- 26 3. File a petition for delinquency;
- 27 4. File a petition for delinquency with a motion to  
28 transfer and certify the child for prosecution as an adult;
- 29 5. File an information pursuant to s. 985.227;
- 30 6. Refer the case to a grand jury;

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1           7. Refer the child to a diversionary, pretrial  
2 intervention, arbitration, or mediation program, or to some  
3 other treatment or care program if such program commitment is  
4 voluntarily accepted by the child or the child's parents or  
5 legal guardians; or

6           8. Decline to file.

7           Section 3. This act shall take effect July 1, 1999.

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HOUSE SUMMARY

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12 Authorizes a state attorney to file an information  
13 against a juvenile so that the juvenile is prosecuted as  
14 an adult if the juvenile is charged with grand theft in  
the second degree or third degree of a motor vehicle and  
has a prior adjudication for grand theft of a motor  
vehicle.

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