

1 A bill to be entitled
 2 An act relating to weapons and firearms;
 3 amending s. 790.22, F.S.; relating to certain
 4 offenses involving use or possession of a
 5 firearm by a minor or offenses during the
 6 commission of which the minor possessed a
 7 firearm; authorizing secure detention for a
 8 first offense of possession of a firearm by a
 9 minor, providing that possession of a firearm
 10 by a minor for a second or subsequent offense
 11 constitutes a felony of the third degree
 12 instead of a misdemeanor of the first degree;
 13 authorizing secure detention for a specified
 14 period; providing or revising penalties for
 15 specified offenses; requiring secure detention
 16 for specified periods, or increasing detention
 17 periods imposed, for commission of specified
 18 initial, second, or subsequent offenses;
 19 providing for performance of community service
 20 in a manner involving a hospital emergency room
 21 or other medical environment dealing on a
 22 regular basis with trauma patients and gunshot
 23 wounds; providing that the minor offender may
 24 not receive credit for time served before
 25 adjudication of certain offenses; amending ss.
 26 943.051(3)(b); and 985.212(1)(b), F.S.,
 27 relating to criminal justice information and
 28 fingerprinting; amending s. 790.115, F.S.;
 29 prohibiting the possession or discharging
 30 firearms at a school-sponsored event, requiring
 31 a minor charged with certain activities to be

1 detained in secure detention; requiring a
2 hearing within a time certain; authorizing a
3 court to order continued secure detention for a
4 certain period; providing requirements for such
5 detention; amending s. 985.215, F.S.; requiring
6 secure detention care placement for a child
7 charged with certain activities; authorizing a
8 court to continue detaining a child charged
9 with certain activities; amending s. 985.227,
10 F.S.; providing for discretionary direct file
11 for the offense of possessing or discharging
12 firearms on school property; providing an
13 effective date.

14

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

16

17 Section 1. Section 790.22, Florida Statutes, 1998
18 Supplement, is amended to read:

19

20 790.22 Use of BB guns, air or gas-operated guns, or
21 electric weapons or devices by minor under 16; limitation;
22 possession of firearms by minor under 18 prohibited;
23 penalties.--

24

25 (1) The use for any purpose whatsoever of BB guns, air
26 or gas-operated guns, or electric weapons or devices, by any
27 minor under the age of 16 years is prohibited unless such use
28 is under the supervision and in the presence of an adult who
29 is acting with the consent of the minor's parent.

30

31 (2) Any adult responsible for the welfare of any child
under the age of 16 years who knowingly permits such child to
use or have in his or her possession any BB gun, air or
gas-operated gun, electric weapon or device, or firearm in

1 violation of the provisions of subsection (1) of this section
2 commits a misdemeanor of the second degree, punishable as
3 provided in s. 775.082 or s. 775.083.

4 (3) A minor under 18 years of age may not possess a
5 firearm, other than an unloaded firearm at his or her home,
6 unless:

7 (a) The minor is engaged in a lawful hunting activity
8 and is:

- 9 1. At least 16 years of age; or
- 10 2. Under 16 years of age and supervised by an adult.

11 (b) The minor is engaged in a lawful marksmanship
12 competition or practice or other lawful recreational shooting
13 activity and is:

- 14 1. At least 16 years of age; or
- 15 2. Under 16 years of age and supervised by an adult

16 who is acting with the consent of the minor's parent or
17 guardian.

18 (c) The firearm is unloaded and is being transported
19 by the minor directly to or from an event authorized in
20 paragraph (a) or paragraph (b).

21 (4)(a) Any parent or guardian of a minor, or other
22 adult responsible for the welfare of a minor, who knowingly
23 and willfully permits the minor to possess a firearm in
24 violation of subsection (3) commits a felony of the third
25 degree, punishable as provided in s. 775.082, s. 775.083, or
26 s. 775.084.

27 (b) Any natural parent or adoptive parent, whether
28 custodial or noncustodial, or any legal guardian or legal
29 custodian of a minor, if that minor possesses a firearm in
30 violation of subsection (3) may, if the court finds it
31 appropriate, be required to participate in classes on

1 parenting education which are approved by the Department of
 2 Juvenile Justice, upon the first conviction of the minor. Upon
 3 any subsequent conviction of the minor, the court may, if the
 4 court finds it appropriate, require the parent to attend
 5 further parent education classes or render community service
 6 hours together with the child.

7 (c) No later than July 1, 1994, the district juvenile
 8 justice boards or county juvenile justice councils or the
 9 Department of Juvenile Justice shall establish appropriate
 10 community service programs to be available to the alternative
 11 sanctions coordinators of the circuit courts in implementing
 12 this subsection. The boards or councils or department shall
 13 propose the implementation of a community service program in
 14 each circuit, and may submit a circuit plan, to be implemented
 15 upon approval of the circuit alternative sanctions
 16 coordinator.

17 (d) For the purposes of this section, community
 18 service may be provided on public property as well as on
 19 private property with the expressed permission of the property
 20 owner. Any community service provided on private property is
 21 limited to such things as removal of graffiti and restoration
 22 of vandalized property.

23 (5)(a) A minor who violates subsection (3) commits a
 24 misdemeanor of the first degree; for a first offense, may
 25 serve a period of detention of up to 3 days in a secure
 26 detention facility;~~and, in addition to any other penalty~~
 27 ~~provided by law, shall be required to perform 100 hours of~~
 28 ~~community service;~~~~and:~~

29 1. If the minor is eligible by reason of age for a
 30 driver license or driving privilege, the court shall direct
 31 the Department of Highway Safety and Motor Vehicles to revoke

1 or to withhold issuance of the minor's driver license or
2 driving privilege for up to 1 year.

3 2. If the minor's driver license or driving privilege
4 is under suspension or revocation for any reason, the court
5 shall direct the Department of Highway Safety and Motor
6 Vehicles to extend the period of suspension or revocation by
7 an additional period of up to 1 year.

8 3. If the minor is ineligible by reason of age for a
9 driver license or driving privilege, the court shall direct
10 the Department of Highway Safety and Motor Vehicles to
11 withhold issuance of the minor's driver license or driving
12 privilege for up to 1 year after the date on which the minor
13 would otherwise have become eligible.

14 (b) For a second or subsequent offense, ~~the~~ a minor
15 who violates subsection (3) commits a felony of the third
16 degree and shall serve a period of detention of up to 15 days
17 in a secure detention facility and shall be required to
18 perform not less than 100 nor more than 250 hours of community
19 service, and:

20 1. If the minor is eligible by reason of age for a
21 driver license or driving privilege, the court shall direct
22 the Department of Highway Safety and Motor Vehicles to revoke
23 or to withhold issuance of the minor's driver license or
24 driving privilege for up to 2 years.

25 2. If the minor's driver license or driving privilege
26 is under suspension or revocation for any reason, the court
27 shall direct the Department of Highway Safety and Motor
28 Vehicles to extend the period of suspension or revocation by
29 an additional period of up to 2 years.

30 3. If the minor is ineligible by reason of age for a
31 driver license or driving privilege, the court shall direct

1 the Department of Highway Safety and Motor Vehicles to
2 withhold issuance of the minor's driver license or driving
3 privilege for up to 2 years after the date on which the minor
4 would otherwise have become eligible.

5
6 For the purposes of this subsection, community service shall
7 be performed, if possible, in a manner involving a hospital
8 emergency room or other medical environment that deals on a
9 regular basis with trauma patients and gunshot wounds.

10 (6) Any firearm that is possessed or used by a minor
11 in violation of this section shall be promptly seized by a law
12 enforcement officer and disposed of in accordance with s.
13 790.08(1)-(6).

14 (7) The provisions of this section are supplemental to
15 all other provisions of law relating to the possession, use,
16 or exhibition of a firearm.

17 (8) Notwithstanding s. 985.213 or s. 985.215(1), if a
18 minor under 18 years of age is charged with an offense that
19 involves the use or possession of a firearm, as defined in s.
20 790.001, including ~~other than~~ a violation of subsection (3),
21 or is charged for any offense during the commission of which
22 the minor possessed a firearm, the minor shall be detained in
23 secure detention, unless the state attorney authorizes the
24 release of the minor, and shall be given a hearing within 24
25 hours after being taken into custody. At the hearing, the
26 court may order that the minor continue to be held in secure
27 detention in accordance with the applicable time periods
28 specified in s. 985.215(5), if the court finds that the minor
29 meets the criteria specified in s. 985.215(2), or if the court
30 finds by clear and convincing evidence that the minor is a
31 clear and present danger to himself or herself or the

1 community. The Department of Juvenile Justice shall prepare a
 2 form for all minors charged under this subsection that states
 3 the period of detention and the relevant demographic
 4 information, including, but not limited to, the sex, age, and
 5 race of the minor; whether or not the minor was represented by
 6 private counsel or a public defender; the current offense; and
 7 the minor's complete prior record, including any pending
 8 cases. The form shall be provided to the judge to be
 9 considered when determining whether the minor should be
 10 continued in secure detention under this subsection. An order
 11 placing a minor in secure detention because the minor is a
 12 clear and present danger to himself or herself or the
 13 community must be in writing, must specify the need for
 14 detention and the benefits derived by the minor or the
 15 community by placing the minor in secure detention, and must
 16 include a copy of the form provided by the department. The
 17 Department of Juvenile Justice must send the form, including a
 18 copy of any order, without client-identifying information, to
 19 the Office of Economic and Demographic Research.

20 (9) Notwithstanding s. 985.214, if the minor is found
 21 to have committed an offense that involves the use or
 22 possession of a firearm, as defined in s. 790.001, other than
 23 a violation of subsection (3), or an offense during the
 24 commission of which the minor possessed a firearm, and the
 25 minor is not committed to a residential commitment program of
 26 the Department of Juvenile Justice, in addition to any other
 27 punishment provided by law, the court shall order:

28 (a) For a first offense, that the minor shall serve a
 29 minimum ~~mandatory~~ period of detention of 15 ~~5~~ days in a secure
 30 detention facility; and

31 1. Perform 100 hours of community service; ~~and-~~

1 2. Be committed to the department for placement on
2 community control or in a nonresidential or residential
3 commitment program.

4 (b) For a second or subsequent offense, that the minor
5 shall serve a mandatory period of detention of at least 21 ~~10~~
6 days in a secure detention facility; and

7 1. Perform not less than 100 nor more than 250 hours
8 of community service; and-

9 2. Be committed to the department for placement on
10 community control or in a nonresidential or residential
11 commitment program.

12
13 The minor shall not receive credit for time served before
14 adjudication. For the purposes of this subsection, community
15 service shall be performed, if possible, in a manner involving
16 a hospital emergency room or other medical environment that
17 deals on a regular basis with trauma patients and gunshot
18 wounds.

19 (10) If a minor is found to have committed an offense
20 under subsection (9), the court shall impose the following
21 penalties in addition to any penalty imposed under paragraph
22 (9)(a) or paragraph (9)(b):

23 (a) For a first offense:

24 1. If the minor is eligible by reason of age for a
25 driver license or driving privilege, the court shall direct
26 the Department of Highway Safety and Motor Vehicles to revoke
27 or to withhold issuance of the minor's driver license or
28 driving privilege for up to 1 year.

29 2. If the minor's driver license or driving privilege
30 is under suspension or revocation for any reason, the court
31 shall direct the Department of Highway Safety and Motor

1 Vehicles to extend the period of suspension or revocation by
2 an additional period for up to 1 year.

3 3. If the minor is ineligible by reason of age for a
4 driver license or driving privilege, the court shall direct
5 the Department of Highway Safety and Motor Vehicles to
6 withhold issuance of the minor's driver license or driving
7 privilege for up to 1 year after the date on which the minor
8 would otherwise have become eligible.

9 (b) For a second or subsequent offense:

10 1. If the minor is eligible by reason of age for a
11 driver license or driving privilege, the court shall direct
12 the Department of Highway Safety and Motor Vehicles to revoke
13 or to withhold issuance of the minor's driver license or
14 driving privilege for up to 2 years.

15 2. If the minor's driver license or driving privilege
16 is under suspension or revocation for any reason, the court
17 shall direct the Department of Highway Safety and Motor
18 Vehicles to extend the period of suspension or revocation by
19 an additional period for up to 2 years.

20 3. If the minor is ineligible by reason of age for a
21 driver license or driving privilege, the court shall direct
22 the Department of Highway Safety and Motor Vehicles to
23 withhold issuance of the minor's driver license or driving
24 privilege for up to 2 years after the date on which the minor
25 would otherwise have become eligible.

26 Section 2. Section 943.051, Florida Statutes, is
27 amended to read:

28 943.051 Criminal justice information; collection and
29 storage; fingerprinting.--

30 (3)

31

1 (b) A minor who is charged with or found to have
2 committed the following offenses misdemeanors shall be
3 fingerprinted and the fingerprints shall be submitted to the
4 department:

5 1. Assault, as defined in s. 784.011.

6 2. Battery, as defined in s. 784.03.

7 3. Carrying a concealed weapon, as defined in s.
8 790.01(1).

9 4. Unlawful use of destructive devices or bombs, as
10 defined in s. 790.1615(1).

11 5. Negligent treatment of children, as defined in s.
12 827.05.

13 6. Assault or battery on a law enforcement officer, a
14 firefighter, or other specified officers, as defined in s.
15 784.07(2)(a) and (b).

16 7. Open carrying of a weapon, as defined in s.
17 790.053.

18 8. Exposure of sexual organs, as defined in s. 800.03.

19 9. Unlawful possession of a firearm, as defined in s.
20 790.22(5).

21 10. Petit theft, as defined in s. 812.014(3).

22 11. Cruelty to animals, as defined in s. 828.12(1).

23 12. Arson, as defined in s. 806.031(1).

24 13. Unlawful possession or discharge of a weapon or
25 firearm at a school-sponsored event or on school property as
26 defined in s. 790.115.

27 Section 3. Paragraph (b) of subsection (1) of Section
28 985.212, Florida Statutes, is amended to read:

29 985.212 Fingerprinting and photographing.--

30 (1)

31

1 (b) A child who is charged with or found to have
2 committed one of the following misdemeanors shall be
3 fingerprinted and the fingerprints shall be submitted to the
4 Department of Law Enforcement as provided in s. 943.051(3)(b):

- 5 1. Assault, as defined in s. 784.011.
- 6 2. Battery, as defined in s. 784.03.
- 7 3. Carrying a concealed weapon, as defined in s.
8 790.01(1).
- 9 4. Unlawful use of destructive devices or bombs, as
10 defined in s. 790.1615(1).
- 11 5. Negligent treatment of children, as defined in
12 former s. 827.05.
- 13 6. Assault on a law enforcement officer, a
14 firefighter, or other specified officers, as defined in s.
15 784.07(2)(a).
- 16 7. Open carrying of a weapon, as defined in s.
17 790.053.
- 18 8. Exposure of sexual organs, as defined in s. 800.03.
- 19 9. Unlawful possession of a firearm, as defined in s.
20 790.22(5).
- 21 10. Petit theft, as defined in s. 812.014.
- 22 11. Cruelty to animals, as defined in s. 828.12(1).
- 23 12. Arson, resulting in bodily harm to a firefighter,
24 as defined in s. 806.031(1).
- 25 13. Unlawful possession or discharge of a weapon or
26 firearm at a school-sponsored event or on school property as
27 defined in s. 790.115.

28
29 A law enforcement agency may fingerprint and photograph a
30 child taken into custody upon probable cause that such child
31 has committed any other violation of law, as the agency deems

1 appropriate. Such fingerprint records and photographs shall be
 2 retained by the law enforcement agency in a separate file, and
 3 these records and all copies thereof must be marked "Juvenile
 4 Confidential." These records shall not be available for public
 5 disclosure and inspection under s. 119.07(1) except as
 6 provided in ss. 943.053 and 985.04(5), but shall be available
 7 to other law enforcement agencies, criminal justice agencies,
 8 state attorneys, the courts, the child, the parents or legal
 9 custodians of the child, their attorneys, and any other person
 10 authorized by the court to have access to such records. These
 11 records may, in the discretion of the court, be open to
 12 inspection by anyone upon a showing of cause. The fingerprint
 13 and photograph records shall be produced in the court whenever
 14 directed by the court. Any photograph taken pursuant to this
 15 section may be shown by a law enforcement officer to any
 16 victim or witness of a crime for the purpose of identifying
 17 the person who committed such crime.

18 Section 4. Section 790.115, Florida Statutes, is
 19 amended to read:

20 790.115 Possessing or discharging weapons or firearms
 21 at a school-sponsored event or on school property prohibited;
 22 penalties; exceptions.--

23 (1) A person who exhibits any sword, sword cane,
 24 firearm, electric weapon or device, destructive device, or
 25 other weapon, including a razor blade, box cutter, or knife,
 26 except as authorized in support of school-sanctioned
 27 activities, in the presence of one or more persons in a rude,
 28 careless, angry, or threatening manner and not in lawful
 29 self-defense, at a school-sponsored event or on the grounds or
 30 facilities of any school, school bus, or school bus stop, or
 31 within 1,000 feet of the real property that comprises a public

1 or private elementary school, middle school, or secondary
2 school, during school hours or during the time of a sanctioned
3 school activity, commits a felony of the third degree,
4 punishable as provided in s. 775.082, s. 775.083, or s.
5 775.084. This subsection does not apply to the exhibition of a
6 firearm or weapon on private real property within 1,000 feet
7 of a school by the owner of such property or by a person whose
8 presence on such property has been authorized, licensed, or
9 invited by the owner.

10 (2)(a) A person shall not possess any firearm,
11 electric weapon or device, destructive device, or other
12 weapon, including a razor blade, box cutter, or knife, except
13 as authorized in support of school-sanctioned activities, at a
14 school-sponsored event or on the property of any school,
15 school bus, or school bus stop; however, a person may carry a
16 firearm:

17 1. In a case to a firearms program, class or function
18 which has been approved in advance by the principal or chief
19 administrative officer of the school as a program or class to
20 which firearms could be carried;

21 2. In a case to a vocational school having a firearms
22 training range; or

23 3. In a vehicle pursuant to s. 790.25(5); except that
24 school districts may adopt written and published policies that
25 waive the exception in this subparagraph for purposes of
26 student and campus parking privileges.

27
28 For the purposes of this section, "school" means any
29 preschool, elementary school, middle school, junior high
30 school, secondary school, vocational school, or postsecondary
31 school, whether public or nonpublic.

1 (b) A person who willfully and knowingly possesses any
2 electric weapon or device, destructive device, or other
3 weapon, including a razor blade, box cutter, or knife, except
4 as authorized in support of school-sanctioned activities, in
5 violation of this subsection commits a felony of the third
6 degree, punishable as provided in s. 775.082, s. 775.083, or
7 s. 775.084.

8 (c)1. A person who willfully and knowingly possesses
9 any firearm in violation of this subsection commits a felony
10 of the third degree, punishable as provided in s. 775.082, s.
11 775.083, or s. 775.084.

12 2. A person who stores or leaves a loaded firearm
13 within the reach or easy access of a minor who obtains the
14 firearm and commits a violation of subparagraph 1. commits a
15 misdemeanor of the second degree, punishable as provided in s.
16 775.082 or s. 775.083; except that this does not apply if the
17 firearm was stored or left in a securely locked box or
18 container or in a location which a reasonable person would
19 have believed to be secure, or was securely locked with a
20 firearm-mounted push-button combination lock or a trigger
21 lock; if the minor obtains the firearm as a result of an
22 unlawful entry by any person; or to members of the Armed
23 Forces, National Guard, or State Militia, or to police or
24 other law enforcement officers, with respect to firearm
25 possession by a minor which occurs during or incidental to the
26 performance of their official duties.

27 (d) A person who discharges any weapon or firearm
28 while in violation of paragraph (a), unless discharged for
29 lawful defense of himself or herself or another or for a
30 lawful purpose, commits a felony of the second degree,
31

1 punishable as provided in s. 775.082, s. 775.083, or s.
2 775.084.

3 (e) The penalties of this subsection shall not apply
4 to persons licensed under s. 790.06. Persons licensed under
5 s. 790.06 shall be punished as provided in s. 790.06(12),
6 except that a licenseholder who unlawfully discharges a weapon
7 or firearm on school property as prohibited by this subsection
8 commits a felony of the second degree, punishable as provided
9 in s. 775.082, s. 775.083, or s. 775.084.

10 (3) This section does not apply to any law enforcement
11 officer as defined in s. 943.10(1), (2), (3), (4), (6), (7),
12 (8), (9), or (14).

13 (4) Notwithstanding s. 985.213, s. 985.214, or s.
14 985.215(1), any minor under 18 years of age who is charged
15 under this section with possessing or discharging a firearm on
16 school property shall be detained in secure detention, unless
17 the state attorney authorizes the release of the minor, and
18 shall be given a probable cause hearing within 24 hours after
19 being taken into custody. At the hearing, the court may order
20 that the minor continue to be held in secure detention for a
21 period of 21 days, during which time the minor shall receive
22 medical, psychiatric, psychological, or substance abuse
23 examinations pursuant to s. 985.224 and a written report shall
24 be completed.

25 Section 5. Paragraph (b) of subsection (1) and
26 subsection (2) of section 985.215, Florida Statutes, 1998
27 Supplement, are amended to read:

28 985.215 Detention.--

29 (1) The juvenile probation officer shall receive
30 custody of a child who has been taken into custody from the
31 law enforcement agency and shall review the facts in the law

1 enforcement report or probable cause affidavit and make such
2 further inquiry as may be necessary to determine whether
3 detention care is required.

4 (b) The juvenile probation officer shall base the
5 decision whether or not to place the child into secure
6 detention care, home detention care, or nonsecure detention
7 care on an assessment of risk in accordance with the risk
8 assessment instrument and procedures developed by the
9 Department of Juvenile Justice under s. 985.213. However, a
10 child charged with possessing or discharging a firearm on
11 school property in violation of s. 790.115 shall be placed in
12 secure detention care.

13
14 Under no circumstances shall the juvenile probation officer or
15 the state attorney or law enforcement officer authorize the
16 detention of any child in a jail or other facility intended or
17 used for the detention of adults, without an order of the
18 court.

19 (2) Subject to the provisions of subsection (1), a
20 child taken into custody and placed into nonsecure or home
21 detention care or detained in secure detention care prior to a
22 detention hearing may continue to be detained by the court if:

23 (a) The child is alleged to be an escapee or an
24 absconder from a commitment program, a community control
25 program, furlough, or aftercare supervision, or is alleged to
26 have escaped while being lawfully transported to or from such
27 program or supervision.

28 (b) The child is wanted in another jurisdiction for an
29 offense which, if committed by an adult, would be a felony.

30 (c) The child is charged with a delinquent act or
31 violation of law and requests in writing through legal counsel

1 to be detained for protection from an imminent physical threat
2 to his or her personal safety.

3 (d) The child is charged with committing an offense of
4 domestic violence as defined in s. 741.28(1) and is detained
5 as provided in s. 985.213(2)(b)3.

6 (e) The child is charged with possession or
7 discharging a firearm on school property in violation of
8 790.115.

9 ~~(f)(e)~~ The child is charged with a capital felony, a
10 life felony, a felony of the first degree, a felony of the
11 second degree that does not involve a violation of chapter
12 893, or a felony of the third degree that is also a crime of
13 violence, including any such offense involving the use or
14 possession of a firearm.

15 ~~(g)(f)~~ The child is charged with any second degree or
16 third degree felony involving a violation of chapter 893 or
17 any third degree felony that is not also a crime of violence,
18 and the child:

19 1. Has a record of failure to appear at court hearings
20 after being properly notified in accordance with the Rules of
21 Juvenile Procedure;

22 2. Has a record of law violations prior to court
23 hearings;

24 3. Has already been detained or has been released and
25 is awaiting final disposition of the case;

26 4. Has a record of violent conduct resulting in
27 physical injury to others; or

28 5. Is found to have been in possession of a firearm.

29 ~~(h)(g)~~ The child is alleged to have violated the
30 conditions of the child's community control or aftercare
31 supervision. However, a child detained under this paragraph

1 may be held only in a consequence unit as provided in s.
 2 985.231(1)(a)1.c. If a consequence unit is not available, the
 3 child shall be placed on home detention with electronic
 4 monitoring.
 5
 6 A child who meets any of these criteria and who is ordered to
 7 be detained pursuant to this subsection shall be given a
 8 hearing within 24 hours after being taken into custody. The
 9 purpose of the detention hearing is to determine the existence
 10 of probable cause that the child has committed the delinquent
 11 act or violation of law with which he or she is charged and
 12 the need for continued detention. Unless a child is detained
 13 under paragraph (d) or paragraph (e), the court shall utilize
 14 the results of the risk assessment performed by the juvenile
 15 probation officer and, based on the criteria in this
 16 subsection, shall determine the need for continued detention.
 17 A child placed into secure, nonsecure, or home detention care
 18 may continue to be so detained by the court pursuant to this
 19 subsection. If the court orders a placement more restrictive
 20 than indicated by the results of the risk assessment
 21 instrument, the court shall state, in writing, clear and
 22 convincing reasons for such placement. Except as provided in
 23 s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b),
 24 paragraph (10)(c), or paragraph (10)(d), when a child is
 25 placed into secure or nonsecure detention care, or into a
 26 respite home or other placement pursuant to a court order
 27 following a hearing, the court order must include specific
 28 instructions that direct the release of the child from such
 29 placement no later than 5 p.m. on the last day of the
 30 detention period specified in paragraph (5)(b) or paragraph
 31 (5)(c), or subparagraph (10)(a)1., whichever is applicable,

1 unless the requirements of such applicable provision have been
2 met or an order of continuance has been granted pursuant to
3 paragraph (5)(d).

4 Section 6. Paragraph (a) of subsection (1) of section
5 985.227, Florida Statutes, is amended to read:

6 985.227 Prosecution of juveniles as adults by the
7 direct filing of an information in the criminal division of
8 the circuit court; discretionary criteria; mandatory
9 criteria.--

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

11 (a) With respect to any child who was 14 or 15 years
12 of age at the time the alleged offense was committed, the
13 state attorney may file an information when in the state
14 attorney's judgment and discretion the public interest
15 requires that adult sanctions be considered or imposed and
16 when the offense charged is:

- 17 1. Arson;
- 18 2. Sexual battery;
- 19 3. Robbery;
- 20 4. Kidnapping;
- 21 5. Aggravated child abuse;
- 22 6. Aggravated assault;
- 23 7. Aggravated stalking;
- 24 8. Murder;
- 25 9. Manslaughter;
- 26 10. Unlawful throwing, placing, or discharging of a
27 destructive device or bomb;
- 28 11. Armed burglary in violation of s. 810.02(2)(b) or
29 specified burglary of a dwelling or structure in violation of
30 s. 810.02(2)(c);
- 31 12. Aggravated battery;

1 13. Lewd or lascivious assault or act in the presence
2 of a child;

3 14. Carrying, displaying, using, threatening, or
4 attempting to use a weapon or firearm during the commission of
5 a felony; ~~or~~

6 15. Grand theft in violation of s. 812.014(2)(a); ~~or~~

7 16. Possessing or discharging any weapon or firearm on
8 school property in violation of s. 790.115.

9 Section 7. This act shall take effect October 1, 1999.

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