

1                   A bill to be entitled  
2           An act relating to the prosecution of  
3           juveniles; amending s. 985.227, F.S.; requiring  
4           that the state attorney prosecute a juvenile  
5           between certain ages as an adult if the  
6           juvenile is charged with a specified violent  
7           felony and possessed a firearm or destructive  
8           device during the commission of the felony in  
9           certain circumstances or discharged a firearm  
10          or destructive device during the commission of  
11          the felony which resulted in death or great  
12          bodily harm; providing for a juvenile convicted  
13          under the act to be sentenced as an adult in  
14          certain circumstances; specifying circumstances  
15          in which the provisions of this act do not  
16          apply; authorizing the Department of  
17          Corrections to spend allocated resources to  
18          advertise the penalties provided in this act;  
19          providing an effective date.

20  
21 Be It Enacted by the Legislature of the State of Florida:

22  
23           Section 1. Paragraph (d) is added to subsection (2) of  
24 section 985.227, Florida Statutes, to read:

25           985.227 Prosecution of juveniles as adults by the  
26 direct filing of an information in the criminal division of  
27 the circuit court; discretionary criteria; mandatory  
28 criteria.--

29           (2) MANDATORY DIRECT FILE.--

30           (d)1. With respect to any child who was 16 or 17 years  
31 of age at the time the alleged offense was committed, the

1 state attorney shall file an information if the child has been  
2 charged with committing or attempting to commit an offense  
3 listed in s. 775.087(2)(a)1.a.-g., and, during the commission  
4 of or attempt to commit the offense, the child:

5 a. Actually possessed a firearm or destructive device,  
6 as those terms are defined in s. 790.001.

7 b. Discharged a firearm or destructive device, as  
8 described in s. 775.087(2)(a)2.

9 c. Discharged a firearm or destructive device, as  
10 described in s. 775.087(2)(a)3., and, as a result of the  
11 discharge, death or great bodily harm was inflicted upon any  
12 person.

13 2. Upon transfer, any child who is:

14 a. Charged pursuant to subparagraph 1.a. and who has  
15 been previously adjudicated or had adjudication withheld for a  
16 forcible felony offense or any offense involving a firearm, or  
17 who has been previously placed in a residential commitment  
18 program, shall be subject to sentencing under s.  
19 775.087(2)(a), notwithstanding s. 985.233.

20 b. Charged pursuant to subparagraph 1.b. or  
21 subparagraph 1.c., shall be subject to sentencing under s.  
22 775.087(2)(a), notwithstanding s. 985.233.

23 3. Upon transfer, any child who is charged pursuant to  
24 this paragraph, but who does not meet the requirements  
25 specified in subparagraph 2., shall be sentenced pursuant to  
26 s. 985.233; however, if the court imposes a juvenile sanction,  
27 the court must commit the child to a high-risk or maximum-risk  
28 juvenile facility.

29 4. This paragraph shall not apply if the state  
30 attorney has good cause to believe that exceptional  
31

1 circumstances exist which preclude the just prosecution of the  
2 child in adult court.

3 5. The Department of Corrections shall make every  
4 reasonable effort to ensure that any child 16 or 17 years of  
5 age who is convicted and sentenced under this paragraph be  
6 completely separated such that there is no physical contact  
7 with adult offenders in the facility, to the extent that it is  
8 consistent with chapter 958.

9 Section 2. The Department of Corrections may spend up  
10 to \$300,000 from resources available from the department's  
11 appropriation for the 1999-2000 fiscal year to provide  
12 statewide public service announcements to advertise the  
13 penalties provided in section 985.227(2)(d), Florida Statutes.

14 Section 3. This act shall take effect October 1, 2000.  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31