

By Representative Harper

1                                   A bill to be entitled  
2           An act relating to juvenile justice; amending  
3           s. 985.417, F.S.; authorizing the sentencing  
4           judge rather than the Secretary of Juvenile  
5           Justice to transfer a child from the Department  
6           of Corrections to the Department of Juvenile  
7           Justice; revising provisions relating to  
8           consent for a child to be released on  
9           probation; specifying persons who may request a  
10          hearing with regard to the child's sentence;  
11          providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:  
14

15           Section 1. Section 985.417, Florida Statutes, is  
16 amended to read:

17           985.417 Transfer of children from the Department of  
18 Corrections to the Department of Juvenile Justice.--

19           (1) When any child under the age of 18 years is  
20 sentenced by any court of competent jurisdiction to the  
21 Department of Corrections, the sentencing judge ~~Secretary of~~  
22 ~~Juvenile Justice~~ may transfer such child to the department for  
23 the remainder of the sentence, or until his or her 21st  
24 birthday, whichever results in the shorter term. If, upon such  
25 person's attaining his or her 21st birthday, the sentence has  
26 not terminated, he or she shall be transferred to the  
27 Department of Corrections for placement in a youthful offender  
28 program, transferred to the supervision of the department, or  
29 be given any other transfer that may lawfully be made, except  
30 as provided in subsection (6).

31

1           (2) If the child is under sentence for a term of  
2 years, after the department has supervised him or her for a  
3 sufficient length of time to ascertain that he or she has  
4 attained satisfactory rehabilitation, the department, upon  
5 determination that such action is in the best interests of  
6 both the child and society, may relieve the child from making  
7 further reports.

8           (3) When the child has, in the opinion of the  
9 department, so conducted himself or herself as to deserve a  
10 pardon, a commutation of sentence, or the remission in whole  
11 or in part of any fine, forfeiture, or penalty, the Secretary  
12 of Juvenile Justice may recommend that such clemency be  
13 extended to the child. In such case the secretary shall fully  
14 advise the Governor of the facts upon which such  
15 recommendation is based.

16           (4) The department shall grant gain-time for good  
17 conduct, may grant extra good-time allowances, and may declare  
18 a forfeiture thereof. If any child who was sentenced pursuant  
19 to s. 921.18 is transferred to the department, the department  
20 may determine the exact sentence of the child, but the  
21 sentence may not be longer than the maximum sentence that was  
22 imposed by the court pursuant to s. 921.18. All time spent in  
23 the department shall count toward the expiration of sentence.  
24 Any child transferred to the department may, at the discretion  
25 of the Secretary of Juvenile Justice, be returned to the  
26 Department of Corrections.

27           (5) Any child who has been convicted of a capital  
28 felony while under the age of 18 years may not be released on  
29 probation without the consent of the Governor and ~~three~~  
30 ~~members of the~~ Cabinet.  
31

1           (6) A child transferred pursuant to this section or  
2 the natural parent or legal guardian may request a hearing  
3 before the sentencing judge to determine the child's  
4 rehabilitation and a commutation of sentence, or the remission  
5 in whole or in part of any fine, forfeiture, or penalty.

6           Section 2. This act shall take effect October 1, 2002.

7  
8           \*\*\*\*\*

9           HOUSE SUMMARY

10           Authorizes the sentencing judge rather than the Secretary  
11 of Juvenile Justice to transfer a child from the  
12 Department of Corrections to the Department of Juvenile  
13 Justice. Revises provisions relating to consent for a  
14 child to be released on probation. Specifies persons who  
15 may request a hearing with regard to the child's  
16 sentence.  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31