

By Senator Crist

12-954-05

See HB 235

1 A bill to be entitled
2 An act relating to juvenile process and
3 service; amending s. 985.219, F.S.; providing
4 for an adjudicatory hearing within a specified
5 time for a child alleged to have committed a
6 delinquent act or law violation; amending ss.
7 985.201 and 985.225, F.S.; conforming
8 cross-references; providing an effective date.

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

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12 Section 1. Subsections (8), (9), (10), (11), and (12)
13 of section 985.219, Florida Statutes, are renumbered as
14 subsections (9), (10), (11), (12), and (13), respectively, and
15 a new subsection (8) is added to that section, to read:

16 985.219 Process and service.--

17 (8) If a petition is filed alleging the child to have
18 committed a delinquent act or violation of law, the child
19 shall be brought to an adjudicatory hearing without demand
20 within 90 days after the earlier of:

21 (a) The date the child was taken into custody; or

22 (b) The date of service of the summons issued upon the
23 filing of a petition.

24 Section 2. Paragraph (b) of subsection (3) of section
25 985.201, Florida Statutes, is amended to read:

26 985.201 Jurisdiction.--

27 (3)

28 (b) The jurisdiction to be exercised by the court when
29 a child is taken into custody before the filing of a petition
30 under s. 985.219~~(9)~~~~(8)~~ shall be exercised by the circuit court
31 for the county in which the child is taken into custody, which

1 court shall have personal jurisdiction of the child and the
2 child's parent or legal guardian. Upon the filing of a
3 petition in the appropriate circuit court, the court that is
4 exercising initial jurisdiction of the person of the child
5 shall, if the child has been detained, immediately order the
6 child to be transferred to the detention center or facility or
7 other placement as ordered by the court having subject matter
8 jurisdiction of the case.

9 Section 3. Subsection (1) of section 985.225, Florida
10 Statutes, is amended to read:

11 985.225 Indictment of a juvenile.--

12 (1) A child of any age who is charged with a violation
13 of state law punishable by death or by life imprisonment is
14 subject to the jurisdiction of the court as set forth in s.
15 985.219(9)~~(8)~~ unless and until an indictment on the charge is
16 returned by the grand jury. When such indictment is returned,
17 the petition for delinquency, if any, must be dismissed and
18 the child must be tried and handled in every respect as an
19 adult:

20 (a) On the offense punishable by death or by life
21 imprisonment; and

22 (b) On all other felonies or misdemeanors charged in
23 the indictment which are based on the same act or transaction
24 as the offense punishable by death or by life imprisonment or
25 on one or more acts or transactions connected with the offense
26 punishable by death or by life imprisonment.

27 Section 4. This act shall take effect July 1, 2005.
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