



399804

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2015	.	
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The Committee on Criminal Justice (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 129 - 735

and insert:

Section 2. Section 985.557, Florida Statutes, is amended to read:

(Substantial rewording of section. See
s. 985.557, F.S., for present text.)
985.557 Direct filing of an information.-
(1) DIRECT FILE.-



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11 (a) With respect to a child who was 16 years of age or
12 older or less than 18 years of age at the time the alleged
13 offense was committed, the state attorney may file an
14 information if, in the state attorney's judgment and discretion,
15 the public interest requires that adult sanctions be considered
16 and the offense charged is for the commission of or attempt to
17 commit:

- 18 1. Murder;
- 19 2. Manslaughter;
- 20 3. Sexual battery as defined in s. 794.011(3);
- 21 4. Armed robbery;
- 22 5. Aggravated assault with a firearm;
- 23 6. Aggravated child abuse;
- 24 7. Arson in violation of S. 806.031;
- 25 8. Kidnapping;
- 26 9. Unlawful throwing, placing, or discharging of a
27 destructive device or bomb;
- 28 10. Aggravated battery resulting in great bodily harm,
29 permanent disability, or permanent disfigurement;
- 30 11. Carrying, displaying, using, or threatening or
31 attempting to use a weapon or firearm in furtherance of the
32 commission of a felony, if the use or threatened use does not
33 include the mere acquisition of a deadly weapon or firearm
34 during the felony;
- 35 12. Possessing or discharging a firearm on school property
36 in violation of s. 790.115;
- 37 13. Home invasion robbery;
- 38 14. Aggravated stalking;
- 39 15. Carjacking;



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40 16. Aggravated animal cruelty by intentional acts; or
41 17. DUI resulting in fatality, great bodily harm, permanent
42 disability, or permanent disfigurement to a person.

43 (b) With respect to a child who was 14 or 15 years of age
44 at the time the alleged offense was committed, the state
45 attorney may file an information if, in the state attorney's
46 judgment and discretion, the public interest requires that adult
47 sanctions be considered and the offense charged is for the
48 commission of or attempt to commit:

- 49 1. Murder;
50 2. Manslaughter; or
51 3. Sexual battery in violation of S. 794.011(3).

52 (2) EFFECT OF DIRECT FILE.—

53 (a) When a child is transferred for criminal prosecution as
54 an adult, the court may transfer and certify to the adult
55 circuit court for prosecution of the child as an adult all
56 related felony cases pertaining to the child which have not yet
57 resulted in a plea of guilty or nolo contendere or in which a
58 finding of guilt has not been made. If the child is acquitted of
59 all charged offenses or lesser included offenses contained in
60 the original case transferred to adult court, any felony cases
61 that were transferred to adult court under this subsection are
62 subject to the same penalties they were subject to before their
63 transfer.

64 (b) Once a child has been convicted and sentenced to adult
65 sanctions pursuant to this section, he or she shall be handled
66 as an adult for any subsequent violation of state law, unless
67 the court imposes juvenile sanctions under s. 985.565.

68 (3) TRANSFER PROHIBITION.—Notwithstanding any other law, a



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69 child who is eligible for direct file and who is pending a
70 competency hearing in juvenile court or has previously been
71 found to be incompetent and has not been restored to competency
72 by a court may not be transferred to adult court for criminal
73 prosecution.

74 (4) REVERSE WAIVER.—A child who is transferred to adult
75 court pursuant to this section may request, in writing, a
76 hearing to determine whether he or she shall remain in adult
77 court. The adult court, in determining whether public safety
78 would be best served by retaining jurisdiction, shall consider
79 the seriousness of the offense, the extent of the child's
80 alleged participation or role in the offense, the sophistication
81 and maturity of the child, and any prior offenses the child has
82 committed. The adult court may, based on these considerations,
83 waive the case back to juvenile court.

84 (5) DATA COLLECTION RELATING TO DIRECT FILE.—

85 (a) The department shall collect data regarding children
86 who qualify for direct file under subsection (1), including, but
87 not limited to:

- 88 1. Age;
- 89 2. Race and ethnicity;
- 90 3. Gender;
- 91 4. Circuit and county of residence;
- 92 5. Circuit and county of offense;
- 93 6. Prior adjudicated offenses;
- 94 7. Prior periods of probation;
- 95 8. Previous contacts with law enforcement agencies or the
96 courts;
- 97 9. Initial charges;



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- 98 10. Charges at disposition;
99 11. Whether adult codefendants were involved;
100 12. Whether child codefendants were involved who were
101 transferred to adult court;
102 13. Whether the child was represented by counsel;
103 14. Whether the child has waived counsel;
104 15. Risk assessment instrument score;
105 16. The child's medical, mental health, substance abuse, or
106 trauma history;
107 17. The child's history of physical or mental impairment or
108 disability-related accommodations;
109 18. The child's history of abuse or neglect;
110 19. The child's history of foster care placements,
111 including the number of prior placements;
112 20. Whether the child has fetal alcohol syndrome or was
113 exposed to controlled substances at birth;
114 21. Whether the child has below-average intellectual
115 functioning or is eligible for exceptional student education
116 services;
117 22. Whether the child has received mental health services
118 or treatment;
119 23. Whether the child has been the subject of a CINS/FINS
120 or dependency petition;
121 24. Plea offers made by the state and the outcome of any
122 plea offers;
123 25. Whether the child was transferred for criminal
124 prosecution as an adult;
125 26. The case resolution in juvenile court; or
126 27. The case resolution in adult court.



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127 (b) When a child is transferred for criminal prosecution as
128 an adult, the department shall also collect disposition data,
129 including, but not limited to, whether the child received adult
130 sanctions, juvenile sanctions, or diversion, and, if sentenced
131 to prison, length of prison sentence or enhanced sentence.

132 (c) The department shall annually provide a report
133 analyzing this aggregated data to the President of the Senate
134 and the Speaker of the House of Representatives.

135 Section 3. Section 985.56, Florida Statutes, is amended to
136 read:

137 985.56 Indictment of a juvenile.-

138 (1) A child 14 years of age or older ~~of any age~~ who is
139 charged with a violation of state law punishable by death or by
140 life imprisonment is subject to the jurisdiction of the court as
141 set forth in s. 985.0301(2) unless and until an indictment on
142 the charge is returned by the grand jury. When such indictment
143 is returned, the petition for delinquency, if any, must be
144 dismissed and the child must be tried ~~and handled in every~~
145 ~~respect~~ as an adult:

146 (a) On the indicting offense ~~punishable by death or by life~~
147 ~~imprisonment~~; and

148 (b) On all other felonies or misdemeanors charged in the
149 indictment which are based on the same act or transaction as the
150 indicting offense ~~punishable by death or by life imprisonment or~~
151 ~~on one or more acts or transactions connected with the offense~~
152 ~~punishable by death or by life imprisonment.~~

153 (2) An adjudicatory hearing may not be held until 21 days
154 after the child is taken into custody and charged with having
155 committed an indictable offense ~~punishable by death or by life~~



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156 ~~imprisonment~~, unless the state attorney advises the court in
157 writing that he or she does not intend to present the case to
158 the grand jury, or has presented the case to the grand jury and
159 the grand jury has not returned an indictment. If the court
160 receives such a notice from the state attorney, or if the grand
161 jury fails to act within the 21-day period, the court may
162 proceed as otherwise authorized under this part.

163 (3) Notwithstanding any other law, a child who is eligible
164 for indictment and who is pending a competency hearing in
165 juvenile court or has been previously found to be incompetent
166 and has not been restored to competency by a court may not be
167 transferred to adult court for criminal prosecution ~~If the child~~
168 ~~is found to have committed the offense punishable by death or by~~
169 ~~life imprisonment, the child shall be sentenced as an adult. If~~
170 ~~the juvenile is not found to have committed the indictable~~
171 ~~offense but is found to have committed a lesser included offense~~
172 ~~or any other offense for which he or she was indicted as a part~~
173 ~~of the criminal episode, the court may sentence under s.~~
174 ~~985.565.~~

175 (4) (a) Once a child has been indicted pursuant to this
176 section and has been found to have committed any offense for
177 which he or she was indicted as a part of the criminal episode,
178 the child shall be handled thereafter ~~in every respect~~ as if an
179 adult for any subsequent violation of state law, unless the
180 court imposes juvenile sanctions under s. 985.565.

181 (b) When a child has been indicted pursuant to this
182 section, the court may ~~shall immediately~~ transfer and certify to
183 the adult circuit court all related felony cases pertaining to
184 the child, for prosecution of the child as an adult, which have



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185 not yet resulted in a plea of guilty or nolo contendere or in
186 which a finding of guilt has not been made. If the child is
187 acquitted of all charged offenses or lesser included offenses
188 contained in the indictment case, any ~~all~~ felony cases that were
189 transferred to adult court pursuant to this paragraph shall be
190 subject to the same penalties such cases were subject to before
191 being transferred to adult court.

192 Section 4. Subsection (1), paragraph (c) of subsection (3),
193 and subsection (4) of section 985.565, Florida Statutes, are
194 amended to read:

195 985.565 Sentencing powers; procedures; alternatives for
196 juveniles prosecuted as adults.-

197 (1) POWERS OF DISPOSITION.-

198 (a) A child who is found to have committed a violation of
199 law may, as an alternative to adult dispositions, be committed
200 to the department for treatment in an appropriate program for
201 children outside the adult correctional system or be placed on
202 juvenile probation.

203 (b) In determining whether to impose juvenile or ~~sanctions~~
204 ~~instead of~~ adult sanctions, the court shall consider the
205 following criteria:

206 1. The seriousness of the offense to the community and
207 whether the protection of the community would be best served be
208 ~~protected~~ by juvenile or adult sanctions.

209 2. The extent of the child's participation in the offense.

210 3. The effect, if any, of familial or peer pressure on the
211 child's actions.

212 4.2. Whether the offense was committed in an aggressive,
213 violent, premeditated, or willful manner.



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214 ~~5.3.~~ Whether the offense was against persons or against
215 property, with greater weight being given to offenses against
216 persons, especially if personal injury resulted.

217 ~~6.4.~~ The sophistication and maturity of the child,
218 including: ~~offender~~

219 a. The child's age, maturity, intellectual capacity, and
220 mental and emotional health at the time of the offense.

221 b. The child's background, including his or her family,
222 home, and community environment.

223 c. The effect, if any, of immaturity, impetuosity, or
224 failure to appreciate the risks and consequences on the child's
225 participation in the offense.

226 d. The effect, if any, of characteristics attributable to
227 the child's age on the child's judgment.

228 ~~7.5.~~ The record and previous history of the child ~~offender~~,
229 including:

230 a. Previous contacts with the Department of Corrections,
231 the Department of Juvenile Justice, the former Department of
232 Health and Rehabilitative Services, the Department of Children
233 and Families, ~~law enforcement agencies, and the courts~~ and the
234 adequacy and appropriateness of the services provided to address
235 the child's needs.

236 b. Prior periods of probation.

237 c. Prior adjudications that the offender committed a
238 delinquent act or violation of law as a child.

239 d. Prior commitments to the Department of Juvenile Justice,
240 the former Department of Health and Rehabilitative Services, the
241 Department of Children and Families, or other facilities or
242 institutions and the adequacy and appropriateness of the



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243 services provided to address the child's needs.

244 e. Previous contacts with law enforcement agencies and the
245 courts.

246 f. History of abuse, abandonment or neglect, foster care
247 placements, failed adoption, fetal alcohol syndrome, exposure to
248 controlled substances at birth, and below-average intellectual
249 functioning.

250 g. Identification of the child as having a disability or
251 having previously received mental health services or treatment.

252 ~~8.6.~~ The prospects for adequate protection of the public
253 and the likelihood of deterrence and reasonable rehabilitation
254 of the offender if assigned to services and facilities of the
255 Department of Juvenile Justice.

256 ~~9.7.~~ Whether the Department of Juvenile Justice has
257 appropriate programs, facilities, and services immediately
258 available.

259 ~~8.~~ Whether adult sanctions would provide more appropriate
260 punishment and deterrence to further violations of law than the
261 imposition of juvenile sanctions.

262 10. Whether the Department of Corrections has appropriate
263 programs, facilities, and services immediately available.

264 (c) The adult court shall render an order including
265 specific findings of fact and the reasons for its decision. The
266 order shall be reviewable on appeal under s. 985.534 and the
267 Florida Rules of Appellate Procedure.

268 (3) SENTENCING HEARING.—

269 (c) The court may receive and consider any other relevant
270 and material evidence, including other reports, written or oral,
271 in its effort to determine the action to be taken with regard to



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272 the child, and may rely upon such evidence to the extent of its
273 probative value even if the evidence would not be competent in
274 an adjudicatory hearing. The court shall consider any reports
275 that may assist it, including prior predisposition reports,
276 psycho-social assessments, individualized educational programs,
277 developmental assessments, school records, abuse or neglect
278 reports, home studies, protective investigations, and
279 psychological and psychiatric evaluations. The child, the
280 child's defense counsel, and the state attorney, have the right
281 to examine these reports and to question the parties responsible
282 for them at the hearing.

283 (4) SENTENCING ALTERNATIVES.—

284 (a) ~~Adult Sanctions.~~—

285 ~~1. Cases prosecuted on indictment. If the child is found to~~
286 ~~have committed the offense punishable by death or life~~
287 ~~imprisonment, the child shall be sentenced as an adult. If the~~
288 ~~juvenile is not found to have committed the indictable offense~~
289 ~~but is found to have committed a lesser included offense or any~~
290 ~~other offense for which he or she was indicted as a part of the~~
291 ~~criminal episode, the court may sentence as follows:~~

292 ~~a. As an adult;~~

293 ~~b. Under chapter 958; or~~

294 ~~c. As a juvenile under this section.~~

295 ~~2. Other cases.~~—If a child who has been transferred for
296 criminal prosecution pursuant to information or waiver of
297 juvenile court jurisdiction is found to have committed a
298 violation of state law or a lesser included offense for which he
299 or she was charged as a part of the criminal episode, the court
300 may sentence as follows:



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301 ~~1.a.~~ As an adult;

302 ~~2.b.~~ As a youthful offender under chapter 958; or

303 ~~3.e.~~ As a juvenile under this section.

304 ~~3.~~ ~~Notwithstanding any other provision to the contrary, if~~

305 ~~the state attorney is required to file a motion to transfer and~~

306 ~~certify the juvenile for prosecution as an adult under s.~~

307 ~~985.556(3) and that motion is granted, or if the state attorney~~

308 ~~is required to file an information under s. 985.557(2) (a) or~~

309 ~~(b), the court must impose adult sanctions.~~

310 ~~(b)4.~~ Findings.—~~The court must~~ ~~Any sentence imposing adult~~

311 ~~sanctions is presumed appropriate, and the court is not required~~

312 ~~to~~ set forth specific findings or enumerate the criteria in this

313 subsection as any basis for its decision to impose adult

314 sanctions.

315 ~~(c)5.~~ Restitution.—When a child has been transferred for

316 criminal prosecution as an adult and has been found to have

317 committed a violation of state law, the disposition of the case

318 may include the enforcement of any restitution ordered in any

319 juvenile proceeding.

320 ~~(d)4.~~ Juvenile sanctions.—~~If a juvenile sentence is~~ ~~For~~

321 ~~juveniles transferred to adult court but who do not qualify for~~

322 ~~such transfer under s. 985.556(3) or s. 985.557(2) (a) or (b),~~

323 ~~the court may impose juvenile sanctions under this paragraph. If~~

324 ~~juvenile sentences are imposed, the court shall, under this~~

325 ~~paragraph, adjudge the child to have committed a delinquent act.~~

326 Adjudication of delinquency shall not be deemed a conviction,

327 nor shall it operate to impose any of the civil disabilities

328 ordinarily resulting from a conviction. ~~The court shall impose~~

329 ~~an adult sanction or a juvenile sanction and may not sentence~~



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330 ~~the child to a combination of adult and juvenile punishments.~~ An
331 adult sanction or a juvenile sanction may include enforcement of
332 an order of restitution or probation previously ordered in any
333 juvenile proceeding. ~~However, if the court imposes a juvenile~~
334 ~~sanction and the department determines that the sanction is~~
335 ~~unsuitable for the child, the department shall return custody of~~
336 ~~the child to the sentencing court for further proceedings,~~
337 ~~including the imposition of adult sanctions.~~ Upon adjudicating a
338 child delinquent under subsection (1), the court may:

339 1. Place the child in a probation program under the
340 supervision of the department for an indeterminate period of
341 time until the child reaches the age of 19 years or sooner if
342 discharged by order of the court.

343 2. Commit the child to the department for treatment in an
344 appropriate program for children for an indeterminate period of
345 time until the child is 21 or sooner if discharged by the
346 department. The department shall notify the court of its intent
347 to discharge no later than 14 days prior to discharge. Failure
348 of the court to timely respond to the department's notice shall
349 be considered approval for discharge.

350 3. Order disposition under ss. 985.435, 985.437, 985.439,
351 985.441, 985.45, and 985.455 as an alternative to youthful
352 offender or adult sentencing if the court determines not to
353 impose youthful offender or adult sanctions.

354 (e) ~~(e)~~ *Adult sanctions upon failure of juvenile sanctions.*—
355 If a child proves not to be suitable to a commitment program,
356 juvenile probation program, or treatment program under paragraph
357 (d) ~~(b)~~, the department shall provide the sentencing court with a
358 written report outlining the basis for its objections to the



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359 juvenile sanction and shall simultaneously provide a copy of the
360 report to the state attorney and the defense counsel. The
361 department shall schedule a hearing within 30 days. Upon
362 hearing, the court may revoke the previous adjudication, impose
363 an adjudication of guilt, and impose any sentence which it may
364 lawfully impose, giving credit for all time spent by the child
365 in the department. The court may also classify the child as a
366 youthful offender under s. 958.04, if appropriate. For purposes
367 of this paragraph, a child may be found not suitable to a
368 commitment program, community control program, or treatment
369 program under paragraph (d)~~(b)~~ if the child commits a new
370 violation of law while under juvenile sanctions, if the child
371 commits any other violation of the conditions of juvenile
372 sanctions, or if the child's actions are otherwise determined by
373 the court to demonstrate a failure of juvenile sanctions.

374 (f)~~(d)~~ *Further proceedings heard in adult court.*—When a
375 child is sentenced to juvenile sanctions, further proceedings
376 involving those sanctions shall continue to be heard in the
377 adult court.

378 (g)~~(e)~~ *School attendance.*—If the child is attending or is
379 eligible to attend public school and the court finds that the
380 victim or a sibling of the victim in the case is attending or
381 may attend the same school as the child, the court placement
382 order shall include a finding pursuant to the proceeding
383 described in s. 985.455(2), regardless of whether adjudication
384 is withheld.

385

386 It is the intent of the Legislature that the criteria and
387 guidelines in this subsection are mandatory and that a



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388 determination of disposition under this subsection is subject to
389 the right of the child to appellate review under s. 985.534.

390 Section 5. Subsection (1) of section 985.556, Florida
391 Statutes, is amended to read:

392 985.556 Waiver of juvenile court jurisdiction; hearing.—

393 (1) VOLUNTARY WAIVER.—The court shall transfer and certify
394 a child's criminal case for trial as an adult if the child is
395 alleged to have committed a violation of law and, prior to the
396 commencement of an adjudicatory hearing, the child, joined by a
397 parent or, in the absence of a parent, by the guardian or
398 guardian ad litem, demands in writing to be tried as an adult.
399 Once a child has been transferred for criminal prosecution
400 pursuant to a voluntary waiver hearing and has been found to
401 have committed the presenting offense or a lesser included
402 offense, the child shall be handled thereafter in every respect
403 as an adult for any subsequent violation of state law, unless
404 the court imposes juvenile sanctions under s. 985.565(4)(d) ~~s.~~
405 ~~985.565(4)(b)~~.

406 Section 6. For the purpose of incorporating the amendment
407 made by this act to sections 985.557, 985.56, and 985.565,
408 Florida Statutes, in a reference thereto, subsection (2) of
409 section 985.04, Florida Statutes, is reenacted to read:

410 985.04 Oaths; records; confidential information.—

411 (2) Notwithstanding any other provisions of this chapter,
412 the name, photograph, address, and crime or arrest report of a
413 child:

414 (a) Taken into custody if the child has been taken into
415 custody by a law enforcement officer for a violation of law
416 which, if committed by an adult, would be a felony;



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417 (b) Found by a court to have committed three or more
418 violations of law which, if committed by an adult, would be
419 misdemeanors;

420 (c) Transferred to the adult system under s. 985.557,
421 indicted under s. 985.56, or waived under s. 985.556;

422 (d) Taken into custody by a law enforcement officer for a
423 violation of law subject to s. 985.557(2) (b) or (d); or

424 (e) Transferred to the adult system but sentenced to the
425 juvenile system under s. 985.565

426

427 shall not be considered confidential and exempt from s.
428 119.07(1) solely because of the child's age.

429 Section 7. For the purpose of incorporating the amendment
430 made by this act to section 985.557, Florida Statutes, in a
431 reference thereto, subsection (1) of section 985.15, Florida
432 Statutes, is reenacted to read:

433 985.15 Filing decisions.—

434 (1) The state attorney may in all cases take action
435 independent of the action or lack of action of the juvenile
436 probation officer and shall determine the action that is in the
437 best interest of the public and the child. If the child meets
438 the criteria requiring prosecution as an adult under s. 985.556,
439 the state attorney shall request the court to transfer and
440 certify the child for prosecution as an adult or shall provide
441 written reasons to the court for not making such a request. In
442 all other cases, the state attorney may:

443 (a) File a petition for dependency;

444 (b) File a petition under chapter 984;

445 (c) File a petition for delinquency;



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446 (d) File a petition for delinquency with a motion to
447 transfer and certify the child for prosecution as an adult;

448 (e) File an information under s. 985.557;

449 (f) Refer the case to a grand jury;

450 (g) Refer the child to a diversionary, pretrial
451 intervention, arbitration, or mediation program, or to some
452 other treatment or care program if such program commitment is
453 voluntarily accepted by the child or the child's parents or
454 legal guardian; or

455 (h) Decline to file.

456 Section 8. For the purpose of incorporating the amendment
457 made by this act to section 985.557, Florida Statutes, in a
458 reference thereto, subsection (5) of section 985.265, Florida
459 Statutes, is reenacted to read:

460 985.265 Detention transfer and release; education; adult
461 jails.—

462 (5) The court shall order the delivery of a child to a jail
463 or other facility intended or used for the detention of adults:

464 (a) When the child has been transferred or indicted for
465 criminal prosecution as an adult under part X, except that the
466 court may not order or allow a child alleged to have committed a
467 misdemeanor who is being transferred for criminal prosecution
468 pursuant to either s. 985.556 or s. 985.557 to be detained or
469 held in a jail or other facility intended or used for the
470 detention of adults; however, such child may be held temporarily
471 in a detention facility; or

472 (b) When a child taken into custody in this state is wanted
473 by another jurisdiction for prosecution as an adult.

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475 The child shall be housed separately from adult inmates to
476 prohibit a child from having regular contact with incarcerated
477 adults, including trusties. "Regular contact" means sight and
478 sound contact. Separation of children from adults shall permit
479 no more than haphazard or accidental contact. The receiving jail
480 or other facility shall contain a separate section for children
481 and shall have an adequate staff to supervise and monitor the
482 child's activities at all times. Supervision and monitoring of
483 children includes physical observation and documented checks by
484 jail or receiving facility supervisory personnel at intervals
485 not to exceed 10 minutes. This subsection does not prohibit
486 placing two or more children in the same cell. Under no
487 circumstances shall a child be placed in the same cell with an
488 adult.

489 Section 9. For the purpose of incorporating the amendment
490 made by this act to section 985.557, Florida Statutes, in a
491 reference thereto, subsection (3) of section 985.556, Florida
492 Statutes, is reenacted to read:

493 985.556 Waiver of juvenile court jurisdiction; hearing.—

494 (3) INVOLUNTARY MANDATORY WAIVER.—

495 (a) If the child was 14 years of age or older, and if the
496 child has been previously adjudicated delinquent for an act
497 classified as a felony, which adjudication was for the
498 commission of, attempt to commit, or conspiracy to commit
499 murder, sexual battery, armed or strong-armed robbery,
500 carjacking, home-invasion robbery, aggravated battery,
501 aggravated assault, or burglary with an assault or battery, and
502 the child is currently charged with a second or subsequent
503 violent crime against a person; or



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504 (b) If the child was 14 years of age or older at the time
505 of commission of a fourth or subsequent alleged felony offense
506 and the child was previously adjudicated delinquent or had
507 adjudication withheld for or was found to have committed, or to
508 have attempted or conspired to commit, three offenses that are
509 felony offenses if committed by an adult, and one or more of
510 such felony offenses involved the use or possession of a firearm
511 or violence against a person;

512

513 the state attorney shall request the court to transfer and
514 certify the child for prosecution as an adult or shall provide
515 written reasons to the court for not making such request, or
516 proceed under s. 985.557(1). Upon the state attorney's request,
517 the court shall either enter an order transferring the case and
518 certifying the case for trial as if the child were an adult or
519 provide written reasons for not issuing such an order.

520 Section 10. For the purpose of incorporating the amendment
521 made by this act to section 985.565, Florida Statutes, in a
522 reference thereto, subsection (3) of section 985.514, Florida
523 Statutes, is reenacted to read:

524 985.514 Responsibility for cost of care; fees.—

525 (3) When the court under s. 985.565 orders any child
526 prosecuted as an adult to be supervised by or committed to the
527 department for treatment in any of the department's programs for
528 children, the court shall order the child's parents to pay fees
529 as provided in s. 985.039.

530 Section 11. For the purpose of incorporating the amendment
531 made by this act to section 985.565, Florida Statutes, in a
532 reference thereto, paragraph (a) of subsection (5) of section



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533 985.556, Florida Statutes, is reenacted to read:
534 985.556 Waiver of juvenile court jurisdiction; hearing.—
535 (5) EFFECT OF ORDER WAIVING JURISDICTION.—
536 (a) Once a child has been transferred for criminal
537 prosecution pursuant to an involuntary waiver hearing and has
538 been found to have committed the presenting offense or a lesser
539 included offense, the child shall thereafter be handled in every
540 respect as an adult for any subsequent violation of state law,
541 unless the court imposes juvenile sanctions under s. 985.565.

542 ===== T I T L E A M E N D M E N T =====

543 And the title is amended as follows:

544 Delete lines 6 - 63

545 and insert:

546 s. 985.557, F.S.; revising the circumstances under
547 which the state attorney is authorized to file an
548 information when a child of a certain age range
549 commits or attempts to commit specified crimes;
550 deleting a requirement that a state attorney file an
551 information under certain circumstances; revising the
552 effects of the direct filing of a child; prohibiting
553 the transfer of a child under certain circumstances
554 based on the child's competency; requiring the court
555 to consider certain factors after a written request is
556 made for a hearing; authorizing the court, based on
557 these factors, to waive the case back to juvenile
558 court; requiring the Department of Juvenile Justice to
559 collect specified data under certain circumstances;
560 requiring the department to provide an annual report
561 to the Legislature; amending s. 985.56, F.S.; revising



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562 the age of a child who is subject to the jurisdiction
563 of a court for certain crimes; prohibiting the
564 transfer of a child under certain circumstances based
565 on the child's competency; removing provisions
566 regarding sentencing of a child; authorizing, rather
567 than requiring, a court to transfer a child indicted
568 under certain circumstances; amending s. 985.565,
569 F.S.; revising the criteria in determining whether to
570 impose juvenile or adult sanctions; requiring the
571 adult court to render an order including specific
572 findings of fact and the reasons for its decision;
573 providing that the order is reviewable on appeal;
574 requiring the court to consider any reports that may
575 assist it; providing for the examination of the
576 reports; revising how a child may be sanctioned under
577 certain circumstances; removing a provision which
578 requires a court to impose adult sanctions under
579 certain circumstances; requiring the court to explain
580 the basis for imposing adult sanctions; revising when
581 juvenile sanctions may be imposed; amending s.
582 985.556, F.S.; conforming a cross-reference;
583 reenacting s. 985.04(2), F.S., relating to oaths,
584 records, and confidential information, to incorporate
585 the amendments made to ss. 985.557, 985.56, and
586 985.565, F.S., in a reference thereto; reenacting ss.
587 985.15(1), 985.265(5), and 985.556(3), F.S., relating
588 to filing decisions; detention transfer and release,
589 education, and adult jails; and waiver of juvenile
590 court jurisdiction and hearings, respectively, to



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591 incorporate the amendment made to s. 985.557, F.S., in
592 references thereto; reenacting ss. 985.514(3) and
593 985.556(5) (a), F.S., relating to responsibility for
594 cost of care and fees, and waiver of juvenile court
595 jurisdiction and hearings, respectively, to
596 incorporate the amendment made to s. 985.565, F.S., in
597 references thereto;