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576-03725-15

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Criminal and Civil Justice)

A bill to be entitled

An act relating to juvenile justice; amending s. 985.557, F.S.; revising the circumstances under which the state attorney is authorized to file an information when a child of a certain age range commits or attempts to commit specified crimes; deleting a requirement that a state attorney file an information under certain circumstances; revising the effects of the direct filing of a child; prohibiting the transfer of a child under certain circumstances based on the child's competency; requiring the court to consider certain factors after a written request is made for a hearing; authorizing the court, based on these factors, to waive the case back to juvenile court; requiring the Department of Juvenile Justice to collect specified data under certain circumstances; requiring the department to provide an annual report to the Legislature; amending s. 985.56, F.S.; revising the age of a child who is subject to the jurisdiction of a court for certain crimes; prohibiting the transfer of a child under certain circumstances based on the child's competency; removing provisions regarding sentencing of a child; authorizing, rather than requiring, a court to transfer a child indicted under certain circumstances; amending s. 985.565, F.S.; revising the criteria in determining whether to impose juvenile or adult sanctions; requiring the



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28 adult court to render an order including specific
29 findings of fact and the reasons for its decision;
30 providing that the order is reviewable on appeal;
31 requiring the court to consider any reports that may
32 assist it; providing for the examination of the
33 reports; revising how a child may be sanctioned under
34 certain circumstances; removing a provision which
35 requires a court to impose adult sanctions under
36 certain circumstances; requiring the court to explain
37 the basis for imposing adult sanctions; revising when
38 juvenile sanctions may be imposed; amending s.
39 985.556, F.S.; conforming a cross-reference;
40 reenacting s. 985.04(2), F.S., relating to oaths,
41 records, and confidential information, to incorporate
42 the amendments made to ss. 985.557, 985.56, and
43 985.565, F.S., in a reference thereto; reenacting ss.
44 985.15(1), 985.265(5), and 985.556(3), F.S., relating
45 to filing decisions; detention transfer and release,
46 education, and adult jails; and waiver of juvenile
47 court jurisdiction and hearings, respectively, to
48 incorporate the amendment made to s. 985.557, F.S., in
49 references thereto; reenacting ss. 985.514(3) and
50 985.556(5)(a), F.S., relating to responsibility for
51 cost of care and fees, and waiver of juvenile court
52 jurisdiction and hearings, respectively, to
53 incorporate the amendment made to s. 985.565, F.S., in
54 references thereto; providing an effective date.

55
56 Be It Enacted by the Legislature of the State of Florida:



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57
58 Section 1. Section 985.557, Florida Statutes, is amended to
59 read:

60 (Substantial rewording of section. See
61 s. 985.557, F.S., for present text.)
62 985.557 Direct filing of an information.-

63 (1) DIRECT FILE.-

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

71 1. Murder;

72 2. Manslaughter;

73 3. Sexual battery as defined in s. 794.011(3);

74 4. Armed robbery;

75 5. Aggravated assault with a firearm;

76 6. Aggravated child abuse;

77 7. Arson in violation of S. 806.031;

78 8. Kidnapping;

79 9. Unlawful throwing, placing, or discharging of a
80 destructive device or bomb;

81 10. Aggravated battery resulting in great bodily harm,
82 permanent disability, or permanent disfigurement;

83 11. Carrying, displaying, using, or threatening or
84 attempting to use a weapon or firearm in furtherance of the
85 commission of a felony, if the use or threatened use does not



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86 include the mere acquisition of a deadly weapon or firearm
87 during the felony;

88 12. Possessing or discharging a firearm on school property
89 in violation of s. 790.115;

90 13. Home invasion robbery;

91 14. Aggravated stalking;

92 15. Carjacking;

93 16. Aggravated animal cruelty by intentional acts; or

94 17. DUI resulting in fatality, great bodily harm, permanent
95 disability, or permanent disfigurement to a person.

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

102 1. Murder;

103 2. Manslaughter; or

104 3. Sexual battery in violation of S. 794.011(3).

105 (2) EFFECT OF DIRECT FILE.—

106 (a) When a child is transferred for criminal prosecution as
107 an adult, the court may transfer and certify to the adult
108 circuit court for prosecution of the child as an adult all
109 related felony cases pertaining to the child which have not yet
110 resulted in a plea of guilty or nolo contendere or in which a
111 finding of guilt has not been made. If the child is acquitted of
112 all charged offenses or lesser included offenses contained in
113 the original case transferred to adult court, any felony cases
114 that were transferred to adult court under this subsection are



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115 subject to the same penalties they were subject to before their
116 transfer.

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

121 (3) TRANSFER PROHIBITION.—Notwithstanding any other law, a
122 child who is eligible for direct file and who is pending a
123 competency hearing in juvenile court or has previously been
124 found to be incompetent and has not been restored to competency
125 by a court may not be transferred to adult court for criminal
126 prosecution.

127 (4) REVERSE WAIVER.—A child who is transferred to adult
128 court pursuant to this section may request, in writing, a
129 hearing to determine whether he or she shall remain in adult
130 court. The adult court, in determining whether public safety
131 would be best served by retaining jurisdiction, shall consider
132 the seriousness of the offense, the extent of the child's
133 alleged participation or role in the offense, the sophistication
134 and maturity of the child, and any prior offenses the child has
135 committed. The adult court may, based on these considerations,
136 waive the case back to juvenile court.

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

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

- 141 1. Age;
142 2. Race and ethnicity;
143 3. Gender;



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- 144 4. Circuit and county of residence;
- 145 5. Circuit and county of offense;
- 146 6. Prior adjudicated offenses;
- 147 7. Prior periods of probation;
- 148 8. Previous contacts with law enforcement agencies or the
149 courts;
- 150 9. Initial charges;
- 151 10. Charges at disposition;
- 152 11. Whether adult codefendants were involved;
- 153 12. Whether child codefendants were involved who were
154 transferred to adult court;
- 155 13. Whether the child was represented by counsel;
- 156 14. Whether the child has waived counsel;
- 157 15. Risk assessment instrument score;
- 158 16. The child's medical, mental health, substance abuse, or
159 trauma history;
- 160 17. The child's history of physical or mental impairment or
161 disability-related accommodations;
- 162 18. The child's history of abuse or neglect;
- 163 19. The child's history of foster care placements,
164 including the number of prior placements;
- 165 20. Whether the child has fetal alcohol syndrome or was
166 exposed to controlled substances at birth;
- 167 21. Whether the child has below-average intellectual
168 functioning or is eligible for exceptional student education
169 services;
- 170 22. Whether the child has received mental health services
171 or treatment;
- 172 23. Whether the child has been the subject of a CINS/FINS



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173 or dependency petition;

174 24. Plea offers made by the state and the outcome of any
175 plea offers;

176 25. Whether the child was transferred for criminal
177 prosecution as an adult;

178 26. The case resolution in juvenile court; or

179 27. The case resolution in adult court.

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

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

188 Section 2. Section 985.56, Florida Statutes, is amended to
189 read:

190 985.56 Indictment of a juvenile.-

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

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

201 (b) On all other felonies or misdemeanors charged in the



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202 indictment which are based on the same act or transaction as the
203 indicting offense ~~punishable by death or by life imprisonment or~~
204 ~~on one or more acts or transactions connected with the offense~~
205 ~~punishable by death or by life imprisonment.~~

206 (2) An adjudicatory hearing may not be held until 21 days
207 after the child is taken into custody and charged with having
208 committed an indictable offense ~~punishable by death or by life~~
209 ~~imprisonment~~, unless the state attorney advises the court in
210 writing that he or she does not intend to present the case to
211 the grand jury, or has presented the case to the grand jury and
212 the grand jury has not returned an indictment. If the court
213 receives such a notice from the state attorney, or if the grand
214 jury fails to act within the 21-day period, the court may
215 proceed as otherwise authorized under this part.

216 (3) Notwithstanding any other law, a child who is eligible
217 for indictment and who is pending a competency hearing in
218 juvenile court or has been previously found to be incompetent
219 and has not been restored to competency by a court may not be
220 transferred to adult court for criminal prosecution ~~If the child~~
221 ~~is found to have committed the offense punishable by death or by~~
222 ~~life imprisonment, the child shall be sentenced as an adult. If~~
223 ~~the juvenile is not found to have committed the indictable~~
224 ~~offense but is found to have committed a lesser included offense~~
225 ~~or any other offense for which he or she was indicted as a part~~
226 ~~of the criminal episode, the court may sentence under s.~~
227 ~~985.565.~~

228 (4) (a) Once a child has been indicted pursuant to this
229 section and has been found to have committed any offense for
230 which he or she was indicted as a part of the criminal episode,



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231 the child shall be handled thereafter ~~in every respect~~ as if an
232 adult for any subsequent violation of state law, unless the
233 court imposes juvenile sanctions under s. 985.565.

234 (b) When a child has been indicted pursuant to this
235 section, the court may ~~shall immediately~~ transfer and certify to
236 the adult circuit court all related felony cases pertaining to
237 the child, for prosecution of the child as an adult, which have
238 not yet resulted in a plea of guilty or nolo contendere or in
239 which a finding of guilt has not been made. If the child is
240 acquitted of all charged offenses or lesser included offenses
241 contained in the indictment case, any ~~all~~ felony cases that were
242 transferred to adult court pursuant to this paragraph shall be
243 subject to the same penalties such cases were subject to before
244 being transferred to adult court.

245 Section 3. Subsection (1), paragraph (c) of subsection (3),
246 and subsection (4) of section 985.565, Florida Statutes, are
247 amended to read:

248 985.565 Sentencing powers; procedures; alternatives for
249 juveniles prosecuted as adults.—

250 (1) POWERS OF DISPOSITION.—

251 (a) A child who is found to have committed a violation of
252 law may, as an alternative to adult dispositions, be committed
253 to the department for treatment in an appropriate program for
254 children outside the adult correctional system or be placed on
255 juvenile probation.

256 (b) In determining whether to impose juvenile or ~~sanctions~~
257 ~~instead of~~ adult sanctions, the court shall consider the
258 following criteria:

259 1. The seriousness of the offense to the community and



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260 whether the protection of the community would be best served ~~be~~
261 ~~protected~~ by juvenile or adult sanctions.

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

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

265 4.2. Whether the offense was committed in an aggressive,
266 violent, premeditated, or willful manner.

267 5.3. Whether the offense was against persons or against
268 property, with greater weight being given to offenses against
269 persons, especially if personal injury resulted.

270 6.4. The sophistication and maturity of the child,
271 including: offender

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

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

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

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

281 7.5. The record and previous history of the child offender,
282 including:

283 a. Previous contacts with the Department of Corrections,
284 the Department of Juvenile Justice, the former Department of
285 Health and Rehabilitative Services, the Department of Children
286 and Families, law enforcement agencies, and the courts and the
287 adequacy and appropriateness of the services provided to address
288 the child's needs.



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- 289 b. Prior periods of probation.
- 290 c. Prior adjudications that the offender committed a
291 delinquent act or violation of law as a child.
- 292 d. Prior commitments to the Department of Juvenile Justice,
293 the former Department of Health and Rehabilitative Services, the
294 Department of Children and Families, or other facilities or
295 institutions and the adequacy and appropriateness of the
296 services provided to address the child's needs.
- 297 e. Previous contacts with law enforcement agencies and the
298 courts.
- 299 f. History of abuse, abandonment or neglect, foster care
300 placements, failed adoption, fetal alcohol syndrome, exposure to
301 controlled substances at birth, and below-average intellectual
302 functioning.
- 303 g. Identification of the child as having a disability or
304 having previously received mental health services or treatment.
- 305 ~~8.6.~~ The prospects for adequate protection of the public
306 and the likelihood of deterrence and reasonable rehabilitation
307 of the offender if assigned to services and facilities of the
308 Department of Juvenile Justice.
- 309 ~~9.7.~~ Whether the Department of Juvenile Justice has
310 appropriate programs, facilities, and services immediately
311 available.
- 312 ~~8.~~ ~~Whether adult sanctions would provide more appropriate~~
313 ~~punishment and deterrence to further violations of law than the~~
314 ~~imposition of juvenile sanctions.~~
- 315 10. Whether the Department of Corrections has appropriate
316 programs, facilities, and services immediately available.
- 317 (c) The adult court shall render an order including



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318 specific findings of fact and the reasons for its decision. The
319 order shall be reviewable on appeal under s. 985.534 and the
320 Florida Rules of Appellate Procedure.

321 (3) SENTENCING HEARING.—

322 (c) The court may receive and consider any other relevant
323 and material evidence, including other reports, written or oral,
324 in its effort to determine the action to be taken with regard to
325 the child, and may rely upon such evidence to the extent of its
326 probative value even if the evidence would not be competent in
327 an adjudicatory hearing. The court shall consider any reports
328 that may assist it, including prior predisposition reports,
329 psycho-social assessments, individualized educational programs,
330 developmental assessments, school records, abuse or neglect
331 reports, home studies, protective investigations, and
332 psychological and psychiatric evaluations. The child, the
333 child's defense counsel, and the state attorney, have the right
334 to examine these reports and to question the parties responsible
335 for them at the hearing.

336 (4) SENTENCING ALTERNATIVES.—

337 (a) ~~Adult Sanctions.~~—

338 ~~1. Cases prosecuted on indictment. If the child is found to~~
339 ~~have committed the offense punishable by death or life~~
340 ~~imprisonment, the child shall be sentenced as an adult. If the~~
341 ~~juvenile is not found to have committed the indictable offense~~
342 ~~but is found to have committed a lesser included offense or any~~
343 ~~other offense for which he or she was indicted as a part of the~~
344 ~~criminal episode, the court may sentence as follows:~~

345 ~~a. As an adult;~~

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



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347 ~~e. As a juvenile under this section.~~
348 ~~2. Other cases.~~ If a child who has been transferred for
349 criminal prosecution pursuant to information or waiver of
350 juvenile court jurisdiction is found to have committed a
351 violation of state law or a lesser included offense for which he
352 or she was charged as a part of the criminal episode, the court
353 may sentence as follows:
354 ~~1.a.~~ As an adult;
355 ~~2.b.~~ As a youthful offender under chapter 958; or
356 ~~3.e.~~ As a juvenile under this section.
357 ~~3. Notwithstanding any other provision to the contrary, if~~
358 ~~the state attorney is required to file a motion to transfer and~~
359 ~~certify the juvenile for prosecution as an adult under s.~~
360 ~~985.556(3) and that motion is granted, or if the state attorney~~
361 ~~is required to file an information under s. 985.557(2) (a) or~~
362 ~~(b), the court must impose adult sanctions.~~
363 ~~(b)4. Findings.~~ The court must Any sentence imposing adult
364 sanctions is presumed appropriate, and the court is not required
365 to set forth specific findings or enumerate the criteria in this
366 subsection as any basis for its decision to impose adult
367 sanctions.
368 ~~(c)5.~~ Restitution. When a child has been transferred for
369 criminal prosecution as an adult and has been found to have
370 committed a violation of state law, the disposition of the case
371 may include the enforcement of any restitution ordered in any
372 juvenile proceeding.
373 ~~(d) (b)~~ Juvenile sanctions. ~~If a juvenile sentence is~~ For
374 ~~juveniles transferred to adult court but who do not qualify for~~
375 ~~such transfer under s. 985.556(3) or s. 985.557(2) (a) or (b),~~



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376 ~~the court may impose juvenile sanctions under this paragraph. If~~
377 ~~juvenile sentences are imposed, the court shall, under this~~
378 ~~paragraph, adjudge the child to have committed a delinquent act.~~
379 ~~Adjudication of delinquency shall not be deemed a conviction,~~
380 ~~nor shall it operate to impose any of the civil disabilities~~
381 ~~ordinarily resulting from a conviction. The court shall impose~~
382 ~~an adult sanction or a juvenile sanction and may not sentence~~
383 ~~the child to a combination of adult and juvenile punishments. An~~
384 ~~adult sanction or a juvenile sanction may include enforcement of~~
385 ~~an order of restitution or probation previously ordered in any~~
386 ~~juvenile proceeding. However, if the court imposes a juvenile~~
387 ~~sanction and the department determines that the sanction is~~
388 ~~unsuitable for the child, the department shall return custody of~~
389 ~~the child to the sentencing court for further proceedings,~~
390 ~~including the imposition of adult sanctions. Upon adjudicating a~~
391 ~~child delinquent under subsection (1), the court may:~~

392 1. Place the child in a probation program under the
393 supervision of the department for an indeterminate period of
394 time until the child reaches the age of 19 years or sooner if
395 discharged by order of the court.

396 2. Commit the child to the department for treatment in an
397 appropriate program for children for an indeterminate period of
398 time until the child is 21 or sooner if discharged by the
399 department. The department shall notify the court of its intent
400 to discharge no later than 14 days prior to discharge. Failure
401 of the court to timely respond to the department's notice shall
402 be considered approval for discharge.

403 3. Order disposition under ss. 985.435, 985.437, 985.439,
404 985.441, 985.45, and 985.455 as an alternative to youthful



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405 offender or adult sentencing if the court determines not to
406 impose youthful offender or adult sanctions.

407 (e)~~(e)~~ *Adult sanctions upon failure of juvenile sanctions.*—

408 If a child proves not to be suitable to a commitment program,
409 juvenile probation program, or treatment program under paragraph
410 (d)~~(b)~~, the department shall provide the sentencing court with a
411 written report outlining the basis for its objections to the
412 juvenile sanction and shall simultaneously provide a copy of the
413 report to the state attorney and the defense counsel. The
414 department shall schedule a hearing within 30 days. Upon
415 hearing, the court may revoke the previous adjudication, impose
416 an adjudication of guilt, and impose any sentence which it may
417 lawfully impose, giving credit for all time spent by the child
418 in the department. The court may also classify the child as a
419 youthful offender under s. 958.04, if appropriate. For purposes
420 of this paragraph, a child may be found not suitable to a
421 commitment program, community control program, or treatment
422 program under paragraph (d)~~(b)~~ if the child commits a new
423 violation of law while under juvenile sanctions, if the child
424 commits any other violation of the conditions of juvenile
425 sanctions, or if the child's actions are otherwise determined by
426 the court to demonstrate a failure of juvenile sanctions.

427 (f)~~(d)~~ *Further proceedings heard in adult court.*—When a
428 child is sentenced to juvenile sanctions, further proceedings
429 involving those sanctions shall continue to be heard in the
430 adult court.

431 (g)~~(e)~~ *School attendance.*—If the child is attending or is
432 eligible to attend public school and the court finds that the
433 victim or a sibling of the victim in the case is attending or



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434 may attend the same school as the child, the court placement
435 order shall include a finding pursuant to the proceeding
436 described in s. 985.455(2), regardless of whether adjudication
437 is withheld.

438

439 It is the intent of the Legislature that the criteria and
440 guidelines in this subsection are mandatory and that a
441 determination of disposition under this subsection is subject to
442 the right of the child to appellate review under s. 985.534.

443 Section 4. Subsection (1) of section 985.556, Florida
444 Statutes, is amended to read:

445 985.556 Waiver of juvenile court jurisdiction; hearing.—

446 (1) VOLUNTARY WAIVER.—The court shall transfer and certify
447 a child's criminal case for trial as an adult if the child is
448 alleged to have committed a violation of law and, prior to the
449 commencement of an adjudicatory hearing, the child, joined by a
450 parent or, in the absence of a parent, by the guardian or
451 guardian ad litem, demands in writing to be tried as an adult.
452 Once a child has been transferred for criminal prosecution
453 pursuant to a voluntary waiver hearing and has been found to
454 have committed the presenting offense or a lesser included
455 offense, the child shall be handled thereafter in every respect
456 as an adult for any subsequent violation of state law, unless
457 the court imposes juvenile sanctions under s. 985.565(4)(d) ~~s.~~
458 ~~985.565(4)(b)~~.

459 Section 5. For the purpose of incorporating the amendment
460 made by this act to sections 985.557, 985.56, and 985.565,
461 Florida Statutes, in a reference thereto, subsection (2) of
462 section 985.04, Florida Statutes, is reenacted to read:



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463 985.04 Oaths; records; confidential information.—
464 (2) Notwithstanding any other provisions of this chapter,
465 the name, photograph, address, and crime or arrest report of a
466 child:
467 (a) Taken into custody if the child has been taken into
468 custody by a law enforcement officer for a violation of law
469 which, if committed by an adult, would be a felony;
470 (b) Found by a court to have committed three or more
471 violations of law which, if committed by an adult, would be
472 misdemeanors;
473 (c) Transferred to the adult system under s. 985.557,
474 indicted under s. 985.56, or waived under s. 985.556;
475 (d) Taken into custody by a law enforcement officer for a
476 violation of law subject to s. 985.557(2) (b) or (d); or
477 (e) Transferred to the adult system but sentenced to the
478 juvenile system under s. 985.565
479
480 shall not be considered confidential and exempt from s.
481 119.07(1) solely because of the child's age.
482 Section 6. For the purpose of incorporating the amendment
483 made by this act to section 985.557, Florida Statutes, in a
484 reference thereto, subsection (1) of section 985.15, Florida
485 Statutes, is reenacted to read:
486 985.15 Filing decisions.—
487 (1) The state attorney may in all cases take action
488 independent of the action or lack of action of the juvenile
489 probation officer and shall determine the action that is in the
490 best interest of the public and the child. If the child meets
491 the criteria requiring prosecution as an adult under s. 985.556,



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492 the state attorney shall request the court to transfer and
493 certify the child for prosecution as an adult or shall provide
494 written reasons to the court for not making such a request. In
495 all other cases, the state attorney may:

- 496 (a) File a petition for dependency;
- 497 (b) File a petition under chapter 984;
- 498 (c) File a petition for delinquency;
- 499 (d) File a petition for delinquency with a motion to
500 transfer and certify the child for prosecution as an adult;
- 501 (e) File an information under s. 985.557;
- 502 (f) Refer the case to a grand jury;
- 503 (g) Refer the child to a diversionary, pretrial
504 intervention, arbitration, or mediation program, or to some
505 other treatment or care program if such program commitment is
506 voluntarily accepted by the child or the child's parents or
507 legal guardian; or
- 508 (h) Decline to file.

509 Section 7. For the purpose of incorporating the amendment
510 made by this act to section 985.557, Florida Statutes, in a
511 reference thereto, subsection (5) of section 985.265, Florida
512 Statutes, is reenacted to read:

513 985.265 Detention transfer and release; education; adult
514 jails.-

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

517 (a) When the child has been transferred or indicted for
518 criminal prosecution as an adult under part X, except that the
519 court may not order or allow a child alleged to have committed a
520 misdemeanor who is being transferred for criminal prosecution



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521 pursuant to either s. 985.556 or s. 985.557 to be detained or
522 held in a jail or other facility intended or used for the
523 detention of adults; however, such child may be held temporarily
524 in a detention facility; or

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

527
528 The child shall be housed separately from adult inmates to
529 prohibit a child from having regular contact with incarcerated
530 adults, including trusties. "Regular contact" means sight and
531 sound contact. Separation of children from adults shall permit
532 no more than haphazard or accidental contact. The receiving jail
533 or other facility shall contain a separate section for children
534 and shall have an adequate staff to supervise and monitor the
535 child's activities at all times. Supervision and monitoring of
536 children includes physical observation and documented checks by
537 jail or receiving facility supervisory personnel at intervals
538 not to exceed 10 minutes. This subsection does not prohibit
539 placing two or more children in the same cell. Under no
540 circumstances shall a child be placed in the same cell with an
541 adult.

542 Section 8. For the purpose of incorporating the amendment
543 made by this act to section 985.557, Florida Statutes, in a
544 reference thereto, subsection (3) of section 985.556, Florida
545 Statutes, is reenacted to read:

546 985.556 Waiver of juvenile court jurisdiction; hearing.—

547 (3) INVOLUNTARY MANDATORY WAIVER.—

548 (a) If the child was 14 years of age or older, and if the
549 child has been previously adjudicated delinquent for an act



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550 classified as a felony, which adjudication was for the
551 commission of, attempt to commit, or conspiracy to commit
552 murder, sexual battery, armed or strong-armed robbery,
553 carjacking, home-invasion robbery, aggravated battery,
554 aggravated assault, or burglary with an assault or battery, and
555 the child is currently charged with a second or subsequent
556 violent crime against a person; or

557 (b) If the child was 14 years of age or older at the time
558 of commission of a fourth or subsequent alleged felony offense
559 and the child was previously adjudicated delinquent or had
560 adjudication withheld for or was found to have committed, or to
561 have attempted or conspired to commit, three offenses that are
562 felony offenses if committed by an adult, and one or more of
563 such felony offenses involved the use or possession of a firearm
564 or violence against a person;

565
566 the state attorney shall request the court to transfer and
567 certify the child for prosecution as an adult or shall provide
568 written reasons to the court for not making such request, or
569 proceed under s. 985.557(1). Upon the state attorney's request,
570 the court shall either enter an order transferring the case and
571 certifying the case for trial as if the child were an adult or
572 provide written reasons for not issuing such an order.

573 Section 9. For the purpose of incorporating the amendment
574 made by this act to section 985.565, Florida Statutes, in a
575 reference thereto, subsection (3) of section 985.514, Florida
576 Statutes, is reenacted to read:

577 985.514 Responsibility for cost of care; fees.—

578 (3) When the court under s. 985.565 orders any child



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579 prosecuted as an adult to be supervised by or committed to the
580 department for treatment in any of the department's programs for
581 children, the court shall order the child's parents to pay fees
582 as provided in s. 985.039.

583 Section 10. For the purpose of incorporating the amendment
584 made by this act to section 985.565, Florida Statutes, in a
585 reference thereto, paragraph (a) of subsection (5) of section
586 985.556, Florida Statutes, is reenacted to read:

587 985.556 Waiver of juvenile court jurisdiction; hearing.—

588 (5) EFFECT OF ORDER WAIVING JURISDICTION.—

589 (a) Once a child has been transferred for criminal
590 prosecution pursuant to an involuntary waiver hearing and has
591 been found to have committed the presenting offense or a lesser
592 included offense, the child shall thereafter be handled in every
593 respect as an adult for any subsequent violation of state law,
594 unless the court imposes juvenile sanctions under s. 985.565.

595 Section 11. This act shall take effect July 1, 2015.