

By Senator Bracy Davis

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A bill to be entitled
An act relating to juvenile justice; amending s.
985.455, F.S.; requiring a court to determine, for any
delinquent child committed to the Department of
Juvenile Justice, the minimum period of time rather
than an indeterminate period of time for the child to
remain in a commitment program; requiring that the
delinquent child remain in the commitment program
until he or she has completed it; revising provisions
relating to an objective performance-based treatment
plan; deleting a prohibition on extending a child's
length of stay in the program for purposes of sanction
or punishment; amending s. 985.465, F.S.; revising the
age at which children who have been adjudicated on
specified offenses may be committed to maximum-risk
residential facilities to include children who are at
least 10 years of age; conforming provisions to
changes made by the act; reenacting ss. 985.35(4)(b)
and 985.565(4)(b), F.S., relating to adjudicatory
hearings for children and sentencing alternatives for
juveniles prosecuted as adults, respectively, to
incorporate the amendment made to s. 985.455, F.S., in
references thereto; providing an effective date.

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

Section 1. Subsection (3) of section 985.455, Florida
Statutes, is amended to read:

985.455 Other dispositional issues.—

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(3) For any commitment of a delinquent child to the department, a court shall determine the minimum period of time for the delinquent child to remain in a commitment program. A delinquent child committed to the department must remain in the commitment program until he or she has completed it. ~~must be for an indeterminate period of time, which may include periods of temporary release;~~ However, the period of time may not exceed the maximum term of imprisonment that an adult may serve for the same offense. The child must have an ~~duration of the child's placement in a commitment program of any restrictiveness level shall be based on~~ objective performance-based treatment plan ~~while in the commitment of the program planning.~~ The child's treatment plan progress and adjustment-related issues shall be reported to the court quarterly, unless the court requests monthly reports. If the child is under the jurisdiction of a dependency court, the court may receive and consider any information provided by the Statewide Guardian ad Litem Office or the child's attorney ad litem, if one is appointed. The child's length of stay in a commitment program may be extended if the child fails to comply with or participate in treatment activities. ~~The child's length of stay in the program shall not be extended for purposes of sanction or punishment.~~ Any temporary release from such program must be approved by the court. Any child so committed may be discharged from institutional confinement or a program upon the direction of the department with the concurrence of the court. The child's treatment plan progress and adjustment-related issues must be communicated to the court at the time the department requests the court to consider releasing the child from the commitment

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program. The department shall give the court that committed the child to the department reasonable notice, in writing, of its desire to discharge the child from a commitment facility. The court that committed the child may thereafter accept or reject the request. If the court does not respond within 10 days after receipt of the notice, the request of the department shall be deemed granted. This section does not limit the department's authority to revoke a child's temporary release status and return the child to a commitment facility for any violation of the terms and conditions of the temporary release.

Section 2. Section 985.465, Florida Statutes, is amended to read:

985.465 Maximum-risk residential facilities.—A maximum-risk residential facility is a physically secure residential commitment program with a designated length of stay from 18 months to 36 months, primarily serving children 10 ~~13~~ years of age to 19 years of age or until the jurisdiction of the court expires. Each child committed to this level must meet one of the following criteria:

(1) The child is at least 10 years of age at the time of the disposition for the current offense and has been adjudicated on the current offense for murder or manslaughter.

(2) The child is at least 13 years of age at the time of the disposition for the current offense and has been adjudicated on the current offense for:

- (a) Arson;
- (b) Sexual battery;
- (c) Robbery;
- (d) Kidnapping;

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(e) Aggravated child abuse;

(f) Aggravated assault;

(g) Aggravated stalking;

(h) ~~Murder;~~

~~(i) Manslaughter;~~

~~(j)~~ Unlawful throwing, placing, or discharging of a destructive device or bomb;

(i)~~(k)~~ Armed burglary;

(j)~~(l)~~ Aggravated battery;

(k)~~(m)~~ Carjacking;

(l)~~(n)~~ Home-invasion robbery;

(m)~~(o)~~ Burglary with an assault or battery;

(n)~~(p)~~ Any lewd or lascivious offense committed upon or in the presence of a person less than 16 years of age; or

(o)~~(q)~~ Carrying, displaying, using, threatening to use, or attempting to use a weapon or firearm during the commission of a felony.

(3)~~(2)~~ The child is at least 13 years of age at the time of the disposition, the current offense is a felony, and the child has previously been committed three or more times to a delinquency commitment program.

(4)~~(3)~~ The child is at least 13 years of age and is currently committed for a felony offense and transferred from a moderate-risk or high-risk residential commitment placement.

(5)~~(4)~~ The child is at least 13 years of age at the time of the disposition for the current offense, the child is eligible for prosecution as an adult for the current offense, and the current offense is ranked at level 7 or higher on the Criminal Punishment Code offense severity ranking chart pursuant to s.

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921.0022.

Section 3. For the purpose of incorporating the amendment made by this act to section 985.455, Florida Statutes, in a reference thereto, paragraph (b) of subsection (4) of section 985.35, Florida Statutes, is reenacted to read:

985.35 Adjudicatory hearings; withheld adjudications; orders of adjudication.—

(4) If the court finds that the child named in the petition has committed a delinquent act or violation of law, it may, in its discretion, enter an order stating the facts upon which its finding is based but withholding adjudication of delinquency.

(b) If the child is attending public school and the court finds that the victim or a sibling of the victim in the case was assigned to attend or is eligible to attend the same school as the child, the court order shall include a finding pursuant to the proceedings described in s. 985.455, regardless of whether adjudication is withheld.

Section 4. For the purpose of incorporating the amendment made by this act to section 985.455, Florida Statutes, in a reference thereto, paragraph (b) of subsection (4) of section 985.565, Florida Statutes, is reenacted to read:

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

(4) SENTENCING ALTERNATIVES.—

(b) *Juvenile sanctions.*—For juveniles transferred to adult court but who do not qualify for such transfer under s. 985.556(3), the court may impose juvenile sanctions under this paragraph. If juvenile sentences are imposed, the court shall, under this paragraph, adjudge the child to have committed a

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delinquent act. Adjudication of delinquency may not be deemed a conviction, nor shall it operate to impose any of the civil disabilities ordinarily resulting from a conviction. The court shall impose an adult sanction or a juvenile sanction and may not sentence the child to a combination of adult and juvenile punishments. An adult sanction or a juvenile sanction may include enforcement of an order of restitution or probation previously ordered in any juvenile proceeding. However, if the court imposes a juvenile sanction and the department determines that the sanction is unsuitable for the child, the department shall return custody of the child to the sentencing court for further proceedings, including the imposition of adult sanctions. Upon adjudicating a child delinquent under subsection (1), the court may:

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

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

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

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

Section 5. This act shall take effect July 1, 2026.