

Bill No. CS for CS for SB 1594

Amendment No. ____

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Lee moved the following amendment:

Senate Amendment (with title amendment)

On page 43, between lines 2 and 3,

insert:

Section 29. Section 985.315, Florida Statutes, 1998 Supplement, is amended to read:

985.315 Educational/technical and vocational work-related work-training programs.--

(1)(a) It is the finding of the Legislature that the educational/technical and vocational work-related work programs of the Department of Juvenile Justice are uniquely different from other programs operated or conducted by other departments in that it is essential to the state that these ~~the work~~ programs provide juveniles with useful information and activities that can lead to meaningful employment after release in order to assist in reducing the return of juveniles to the system.

(b) It is further the finding of the Legislature that the mission of a juvenile educational/technical and vocational

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1 work-related work program is, in order of priority:

2 1. To provide a joint effort between the department,
3 the juvenile work programs, and educational/technical and
4 ~~other~~ vocational training programs to reinforce relevant
5 education, training, and postrelease job placement, and help
6 reduce recommitment.

7 2. To serve the security goals of the state through
8 the reduction of idleness of juveniles and the provision of an
9 incentive for good behavior in residential commitment
10 facilities.

11 3. To teach youth in juvenile justice programs
12 relevant job skills and the fundamentals of a trade in order
13 to prepare them for placement in the workforce.

14 (c) It is further the finding of the Legislature that
15 a program which duplicates as closely as possible free-work
16 production and service operations in order to aid juveniles in
17 adjustment after release and to prepare juveniles for gainful
18 employment is in the best interest of the state, juveniles,
19 and the general public.

20 (2)(a) The department is strongly encouraged to ~~may~~
21 require juveniles placed in a high-risk residential,
22 maximum-risk residential, or a serious/habitual offender
23 program to participate in an educational/technical or a
24 vocational work-related work program 5 hours per day, 5 days
25 per week. All policies developed by the department relating
26 to this requirement must be consistent with applicable
27 federal, state, and local labor laws and standards, including
28 all laws relating to child labor.

29 (b) Nothing in this subsection is intended to restore,
30 in whole or in part, the civil rights of any juvenile. No
31 juvenile compensated under this subsection shall be considered

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1 as an employee of the state or the department, nor shall such
2 juvenile come within any other provision of the Workers'
3 Compensation Law.

4 (3) In adopting or modifying master plans for juvenile
5 work programs and educational/technical and vocational
6 training programs, and in the administration of the Department
7 of Juvenile Justice, it shall be the objective of the
8 department to develop:

9 (a) Attitudes favorable to work, the work situation,
10 and a law-abiding life in each juvenile employed in the
11 juvenile work program.

12 (b) Education and training opportunities that are
13 reasonably broad, but which develop specific work skills.

14 (c) Programs that motivate juveniles to use their
15 abilities. ~~Juveniles who do not adjust to these programs shall~~
16 ~~be reassigned.~~

17 (d) Education and training programs that will be of
18 mutual benefit to all governmental jurisdictions of the state
19 by reducing the costs of government to the taxpayers and which
20 integrate all instructional programs into a unified curriculum
21 suitable for all juveniles, but taking account of the
22 different abilities of each juvenile.

23 (e) A logical sequence of educational/technical or
24 vocational training, employment by the juvenile ~~vocational~~
25 work programs, and postrelease job placement for juveniles
26 participating in juvenile work programs.

27 (4)(a) The Department of Juvenile Justice shall
28 establish guidelines for the operation of juvenile
29 educational/technical and vocational work-related work
30 programs, which shall include the following procedures:

31 1. Participation in the educational/technical and

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1 vocational work-related programs shall be on a 5-day-per-week,
2 5-hour-per-day basis.

3 ~~2.1.~~ The education, training, work experience,
4 emotional and mental abilities, and physical capabilities of
5 the juvenile and the duration of the term of placement imposed
6 on the juvenile are to be analyzed before assignment of the
7 juvenile inmate into the various processes best suited for
8 educational/technical or vocational training.

9 ~~3.2.~~ When feasible, the department shall attempt to
10 obtain education or training credit for a juvenile seeking
11 apprenticeship status or a high school diploma or its
12 equivalent.

13 ~~4.3.~~ The juvenile may begin in a general education and
14 work skills program and progress to a specific work skills
15 training program, depending upon the ability, desire, and
16 education and work record of the juvenile.

17 ~~5.4.~~ Modernization and upgrading of equipment and
18 facilities should include greater automation and improved
19 production techniques to expose juveniles to the latest
20 technological procedures to facilitate their adjustment to
21 real work situations.

22 (b) Evaluations of juvenile educational/technical and
23 vocational work-related work programs shall be conducted
24 according to the following guidelines:

25 1. Systematic evaluations and quality assurance
26 monitoring shall be implemented, in accordance with ss.
27 985.401(4) and 985.412(1), to determine whether the ~~juvenile~~
28 ~~vocational work~~ programs are related to successful postrelease
29 adjustments.

30 2. Operations and policies of the work programs shall
31 be reevaluated to determine if they are consistent with their

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1 primary objectives.

2 (c) The department shall seek the advice of private
3 labor and management to:

4 1. Assist its work programs in the development of
5 statewide policies aimed at innovation and organizational
6 change.

7 2. Obtain technical and practical assistance,
8 information, and guidance.

9 3. Encourage the cooperation and involvement of the
10 private sector.

11 4. Assist in the placement of youth into meaningful
12 jobs upon release from the residential program.

13 (d) The department and providers are strongly
14 encouraged to work in partnership with local businesses and
15 trade groups in the development and operation of
16 educational/technical and vocational programs.

17 (5)(a) The Department of Juvenile Justice may adopt
18 and put into effect an agricultural and industrial production
19 and marketing program to provide training facilities for
20 persons placed in serious/habitual offender, high-risk
21 residential, and maximum-risk residential programs and
22 facilities under the control and supervision of the
23 department. The emphasis of this program shall be to provide
24 juveniles with useful work experience and appropriate job
25 skills that will facilitate their reentry into society and
26 provide an economic benefit to the public and the department
27 through effective utilization of juveniles.

28 (b) The department is authorized to contract with the
29 private sector for substantial involvement in a juvenile
30 industry program which includes the operation of a direct
31 private sector business within a juvenile facility and the

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1 hiring of juvenile workers. The purposes and objectives of
2 this program shall be to:

3 1. Increase benefits to the general public by
4 reimbursement to the state for a portion of the costs of
5 juvenile residential care.

6 2. Provide purposeful work for juveniles as a means of
7 reducing tensions caused by confinement.

8 3. Increase job skills.

9 4. Provide additional opportunities for rehabilitation
10 of juveniles who are otherwise ineligible to work outside the
11 facilities, such as maximum security juveniles.

12 5. Develop and establish new models for juvenile
13 facility-based businesses which create jobs approximating
14 conditions of private sector employment.

15 6. Draw upon the economic base of operations for
16 disposition to the Crimes Compensation Trust Fund.

17 7. Substantially involve the private sector with its
18 capital, management skills, and expertise in the design,
19 development, and operation of businesses.

20 (c) Notwithstanding any other law to the contrary,
21 including s. 440.15(9), private sector employers shall provide
22 juveniles participating in juvenile work programs under
23 paragraph (b) with workers' compensation coverage, and
24 juveniles shall be entitled to the benefits of such coverage.
25 Nothing in this subsection shall be construed to allow
26 juveniles to participate in unemployment compensation
27 benefits.

28 (6) The Juvenile Justice Accountability Board shall
29 conduct a study regarding the types of effective juvenile
30 vocational and work programs in operation across the country,
31 relevant research on what makes programs effective, the key

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1 ingredients of effective juvenile vocational and work
2 programs, and the status of such programs in juvenile
3 facilities across the state. The board shall report its
4 findings and make recommendations on how to expand and improve
5 these programs no later than January 31, 2000, to the
6 President of the Senate, the Speaker of the House of
7 Representatives, and the Secretary of Juvenile Justice.

8 (7) The department, working with providers, shall
9 inventory juvenile vocational and work training programs in
10 use in commitment programs across the state. The inventory
11 shall list the commitment program, the type of vocational or
12 work program offered, the relevant job skills provided, and
13 which programs work with the trades industry to place youth in
14 jobs upon release.

15 Section 30. Paragraph (e) of subsection (46) of
16 section 985.03, Florida Statutes, 1998 Supplement, is amended
17 to read:

18 985.03 Definitions.--When used in this chapter, the
19 term:

20 (46) "Restrictiveness level" means the level of
21 custody provided by programs that service the custody and care
22 needs of committed children. There shall be five
23 restrictiveness levels:

24 (e) Juvenile correctional facilities or juvenile
25 prison ~~Maximum-risk residential~~.--Youth assessed and
26 classified for this level of placement require close
27 supervision in a maximum security residential setting that
28 provides 24-hour-per-day secure custody, care, and
29 supervision. Placement in a program in this level is prompted
30 by a demonstrated need to protect the public. Programs or
31 program models in this level are maximum-secure-custody,

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1 long-term residential commitment facilities that are intended
2 to provide a moderate overlay of educational, vocational, and
3 behavioral-modification services and other maximum-security
4 program models authorized by the Legislature and established
5 by rule. Section 985.3141 applies to children placed in
6 programs in this restrictiveness level.

7 Section 31. Paragraph (c) of subsection (4) of section
8 985.201, Florida Statutes, is amended to read:

9 985.201 Jurisdiction.--

10 (4)

11 (c) The court may retain jurisdiction over a child and
12 the child's parent or legal guardian whom the court has
13 ordered to pay restitution until the restitution order is
14 satisfied or until the court orders otherwise. If the court
15 retains such jurisdiction after the date upon which the
16 court's jurisdiction would cease under this section, it shall
17 do so solely for the purpose of enforcing the restitution
18 order. The terms of the restitution order are subject to the
19 provisions of s. 775.089(5)~~s. 775.089(6)~~.

20 Section 32. Subsection (4) of section 985.21, Florida
21 Statutes, 1998 Supplement, is amended to read:

22 985.21 Intake and case management.--

23 (4) The juvenile probation officer shall make a
24 preliminary determination as to whether the report, affidavit,
25 or complaint is complete, consulting with the state attorney
26 as may be necessary. In any case where the juvenile probation
27 officer or the state attorney finds that the report,
28 affidavit, or complaint is insufficient by the standards for a
29 probable cause affidavit, the juvenile probation officer or
30 state attorney shall return the report, affidavit, or
31 complaint, without delay, to the person or agency originating

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1 the report, affidavit, or complaint or having knowledge of the
2 facts or to the appropriate law enforcement agency having
3 investigative jurisdiction of the offense, and shall request,
4 and the person or agency shall promptly furnish, additional
5 information in order to comply with the standards for a
6 probable cause affidavit.

7 ~~(a) The juvenile probation officer, upon determining~~
8 ~~that the report, affidavit, or complaint is complete, may, in~~
9 ~~the case of a child who is alleged to have committed a~~
10 ~~delinquent act or violation of law, recommend that the state~~
11 ~~attorney file a petition of delinquency or an information or~~
12 ~~seek an indictment by the grand jury. However, such a~~
13 ~~recommendation is not a prerequisite for any action taken by~~
14 ~~the state attorney.~~

15 (a)~~(b)~~ The juvenile probation officer, upon
16 determining that the report, affidavit, or complaint is
17 complete, pursuant to uniform procedures established by the
18 department, shall:

19 1. When indicated by the preliminary screening,
20 provide for a comprehensive assessment of the child and family
21 for substance abuse problems, using community-based licensed
22 programs with clinical expertise and experience in the
23 assessment of substance abuse problems.

24 2. When indicated by the preliminary screening,
25 provide for a comprehensive assessment of the child and family
26 for mental health problems, using community-based
27 psychologists, psychiatrists, or other licensed mental health
28 professionals with clinical expertise and experience in the
29 assessment of mental health problems.

30
31 When indicated by the comprehensive assessment, the department

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1 is authorized to contract within appropriated funds for
2 services with a local nonprofit community mental health or
3 substance abuse agency licensed or authorized under chapter
4 394, or chapter 397, or other authorized nonprofit social
5 service agency providing related services. The determination
6 of mental health or substance abuse services shall be
7 conducted in coordination with existing programs providing
8 mental health or substance abuse services in conjunction with
9 the intake office. Client information resulting from the
10 screening and evaluation shall be documented pursuant to rules
11 established by the department and shall serve to assist the
12 juvenile probation officer in providing the most appropriate
13 services and recommendations in the least intrusive manner.
14 Such client information shall be used in the multidisciplinary
15 assessment and classification of the child, but such
16 information, and any information obtained directly or
17 indirectly through the assessment process, is inadmissible in
18 court prior to the disposition hearing, unless the child's
19 written consent is obtained. At the disposition hearing,
20 documented client information shall serve to assist the court
21 in making the most appropriate custody, adjudicatory, and
22 dispositional decision. If the screening and assessment
23 indicate that the interest of the child and the public will be
24 best served thereby, the juvenile probation officer, with the
25 approval of the state attorney, may refer the child for care,
26 diagnostic and evaluation services, substance abuse treatment
27 services, mental health services, retardation services, a
28 diversionary or arbitration or mediation program, community
29 service work, or other programs or treatment services
30 voluntarily accepted by the child and the child's parents or
31 legal guardians. The victim, if any, and the law enforcement

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1 agency which investigated the offense shall be notified
2 immediately by the state attorney of the action taken under
3 this paragraph. Whenever a child volunteers to participate in
4 any work program under this chapter or volunteers to work in a
5 specified state, county, municipal, or community service
6 organization supervised work program or to work for the
7 victim, the child shall be considered an employee of the state
8 for the purposes of liability. In determining the child's
9 average weekly wage, unless otherwise determined by a specific
10 funding program, all remuneration received from the employer
11 is considered a gratuity, and the child is not entitled to any
12 benefits otherwise payable under s. 440.15, regardless of
13 whether the child may be receiving wages and remuneration from
14 other employment with another employer and regardless of the
15 child's future wage-earning capacity.

16 (b)~~(c)~~ The juvenile probation officer, upon
17 determining that the report, affidavit, or complaint complies
18 with the standards of a probable cause affidavit and that the
19 interest of the child and the public will be best served, may
20 recommend that a delinquency petition not be filed. If such a
21 recommendation is made, the juvenile probation officer shall
22 advise in writing the person or agency making the report,
23 affidavit, or complaint, the victim, if any, and the law
24 enforcement agency having investigative jurisdiction of the
25 offense of the recommendation and the reasons therefor; and
26 that the person or agency may submit, within 10 days after the
27 receipt of such notice, the report, affidavit, or complaint to
28 the state attorney for special review. The state attorney,
29 upon receiving a request for special review, shall consider
30 the facts presented by the report, affidavit, or complaint,
31 and by the juvenile probation officer who made the

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1 recommendation that no petition be filed, before making a
2 final decision as to whether a petition or information should
3 or should not be filed.

4 (c)(d) Subject to the interagency agreement authorized
5 under this paragraph, the juvenile probation officer for each
6 case in which a child is alleged to have committed a violation
7 of law or delinquent act and is not detained ~~In all cases in~~
8 ~~which the child is alleged to have committed a violation of~~
9 ~~law or delinquent act and is not detained, the juvenile~~
10 ~~probation officer~~ shall submit a written report to the state
11 attorney, including the original report, complaint, or
12 affidavit, or a copy thereof, including a copy of the child's
13 prior juvenile record, within 20 days after the date the child
14 is taken into custody. In cases in which the child is in
15 detention, the intake office report must be submitted within
16 24 hours after the child is placed into detention. The intake
17 office report may include a recommendation ~~must recommend~~
18 ~~either~~ that a petition or information be filed or that no
19 petition or information be filed, and may ~~must~~ set forth
20 reasons for the recommendation. The State Attorney and the
21 Department of Juvenile Justice may, on a district-by-district
22 basis, enter into interagency agreements denoting the cases
23 that will require a recommendation and those for which a
24 recommendation is unnecessary.

25 (d)(e) The state attorney may in all cases take action
26 independent of the action or lack of action of the juvenile
27 probation officer, and shall determine the action which is in
28 the best interest of the public and the child. If the child
29 meets the criteria requiring prosecution as an adult pursuant
30 to s. 985.226, the state attorney shall request the court to
31 transfer and certify the child for prosecution as an adult or

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- 1 shall provide written reasons to the court for not making such
2 request. In all other cases, the state attorney may:
- 3 1. File a petition for dependency;
 - 4 2. File a petition pursuant to chapter 984;
 - 5 3. File a petition for delinquency;
 - 6 4. File a petition for delinquency with a motion to
7 transfer and certify the child for prosecution as an adult;
 - 8 5. File an information pursuant to s. 985.227;
 - 9 6. Refer the case to a grand jury;
 - 10 7. Refer the child to a diversionary, pretrial
11 intervention, arbitration, or mediation program, or to some
12 other treatment or care program if such program commitment is
13 voluntarily accepted by the child or the child's parents or
14 legal guardians; or
 - 15 8. Decline to file.
- 16 (e)~~(f)~~ In cases in which a delinquency report,
17 affidavit, or complaint is filed by a law enforcement agency
18 and the state attorney determines not to file a petition, the
19 state attorney shall advise the clerk of the circuit court in
20 writing that no petition will be filed thereon.
- 21 Section 33. Subsection (4) of section 985.225, Florida
22 Statutes, is amended to read:
- 23 985.225 Indictment of a juvenile.--
- 24 (4)(a) Once a child has been indicted pursuant to this
25 subsection and has been found to have committed any offense
26 for which he or she was indicted as a part of the criminal
27 episode, the child shall be handled thereafter in every
28 respect as if an adult for any subsequent violation of state
29 law, unless the court imposes juvenile sanctions under s.
30 985.233.
- 31 (b) When a child has been indicted pursuant to this

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1 subsection the court shall immediately transfer and certify to
2 the adult circuit court all felony cases pertaining to the
3 child, for prosecution of the child as an adult, which have
4 not yet resulted in a plea of guilty or nolo contendere or in
5 which a finding of guilt has not been made. If the child is
6 acquitted of all charged offenses or lesser included offenses
7 contained in the indictment case, all felony cases that were
8 transferred to adult court pursuant to this paragraph shall be
9 subject to the same penalties such cases were subject to
10 before being transferred to adult court.

11 Section 34. Subsection (6) of section 985.218, Florida
12 Statutes, 1998 Supplement, is repealed.

13 Section 35. Subsections (2) and (4) of section
14 985.226, Florida Statutes, 1998 Supplement, are amended to
15 read:

16 985.226 Criteria for waiver of juvenile court
17 jurisdiction; hearing on motion to transfer for prosecution as
18 an adult.--

19 (2) INVOLUNTARY WAIVER.--

20 (a) Discretionary ~~involuntary~~ waiver.--Except as
21 provided in paragraph (b), the state attorney may file a
22 motion requesting the court to transfer the child for criminal
23 prosecution if the child was 14 years of age or older at the
24 time the alleged delinquent act or violation of law was
25 committed.

26 (b) Mandatory waiver.--

27 1. If the child was 14 years of age or older, and if
28 the child has been previously adjudicated delinquent for an
29 act classified as a felony, which adjudication was for the
30 commission of, attempt to commit, or conspiracy to commit
31 murder, sexual battery, armed or strong-armed robbery,

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1 carjacking, home-invasion robbery, aggravated battery, or
2 aggravated assault, or burglary with an assault or battery,
3 and the child is currently charged with a second or subsequent
4 violent crime against a person; ~~or, the state attorney shall~~
5 ~~file a motion requesting the court to transfer and certify the~~
6 ~~juvenile for prosecution as an adult, or proceed pursuant to~~
7 ~~s. 985.227(1).~~

8 ~~2.(b) Mandatory involuntary waiver.--~~If the child was
9 14 years of age or older at the time of commission of a fourth
10 or subsequent alleged felony offense and the child was
11 previously adjudicated delinquent or had adjudication withheld
12 for or was found to have committed, or to have attempted or
13 conspired to commit, three offenses that are felony offenses
14 if committed by an adult, and one or more of such felony
15 offenses involved the use or possession of a firearm or
16 violence against a person;7

17
18 the state attorney shall request the court to transfer and
19 certify the child for prosecution as an adult or shall provide
20 written reasons to the court for not making such request, or
21 proceed pursuant to s. 985.227(1). Upon the state attorney's
22 request, the court shall either enter an order transferring
23 the case and certifying the case for trial as if the child
24 were an adult or provide written reasons for not issuing such
25 an order.

26 (4) EFFECT OF ORDER WAIVING JURISDICTION.--

27 ~~(a) If the court finds, after a waiver hearing under~~
28 ~~subsection (3), that a juvenile who was 14 years of age or~~
29 ~~older at the time the alleged violation of state law was~~
30 ~~committed should be charged and tried as an adult, the court~~
31 ~~shall enter an order transferring the case and certifying the~~

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1 ~~case for trial as if the child were an adult. The child shall~~
2 ~~thereafter be subject to prosecution, trial, and sentencing as~~
3 ~~if the child were an adult but subject to the provisions of s.~~
4 ~~985.233.~~ Once a child has been transferred for criminal
5 prosecution pursuant to an involuntary waiver hearing and has
6 been found to have committed the presenting offense or a
7 lesser included offense, the child shall thereafter be handled
8 in every respect as an adult for any subsequent violation of
9 state law, unless the court imposes juvenile sanctions under
10 s. 985.233.

11 (b) When a child is transferred for criminal
12 prosecution as an adult, the court shall immediately transfer
13 and certify to the adult circuit court all felony cases
14 pertaining to the child, for prosecution of the child as an
15 adult, which have not yet resulted in a plea of guilty or nolo
16 contendere or in which a finding of guilt has not been made.
17 If the child is acquitted of all charged offenses or lesser
18 included offenses contained in the original case transferred
19 to adult court, all felony cases that were transferred to
20 adult court pursuant to this paragraph shall be subject to the
21 same penalties such cases were subject to before being
22 transferred to adult court.

23 Section 36. Subsections (1), (2), (3), and (4) of
24 section 985.227, Florida Statutes, are amended, and subsection
25 (5) is added to that section, to read:

26 985.227 Prosecution of juveniles as adults by the
27 direct filing of an information in the criminal division of
28 the circuit court; discretionary criteria; mandatory
29 criteria.--

30 (1) DISCRETIONARY DIRECT FILE; CRITERIA.--

31 (a) With respect to any child who was 14 or 15 years

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1 of age at the time the alleged offense was committed, the
2 state attorney may file an information when in the state
3 attorney's judgment and discretion the public interest
4 requires that adult sanctions be considered or imposed and
5 when the offense charged is for the commission of, attempt to
6 commit, or conspiracy to commit:

- 7 1. Arson;
- 8 2. Sexual battery;
- 9 3. Robbery;
- 10 4. Kidnapping;
- 11 5. Aggravated child abuse;
- 12 6. Aggravated assault;
- 13 7. Aggravated stalking;
- 14 8. Murder;
- 15 9. Manslaughter;
- 16 10. Unlawful throwing, placing, or discharging of a
- 17 destructive device or bomb;
- 18 11. Armed burglary in violation of s. 810.02(2)(b) or
- 19 specified burglary of a dwelling or structure in violation of
- 20 s. 810.02(2)(c), or burglary with an assault or battery in
- 21 violation of s. 810.02(2)(a);
- 22 12. Aggravated battery;
- 23 13. Lewd or lascivious assault or act in the presence
- 24 of a child;
- 25 14. Carrying, displaying, using, threatening, or
- 26 attempting to use a weapon or firearm during the commission of
- 27 a felony; or
- 28 15. Grand theft in violation of s. 812.014(2)(a);-
- 29 16. Home invasion robbery; or
- 30 17. Carjacking.

31 (b) With respect to any child who was 16 or 17 years

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1 of age at the time the alleged offense was committed, the
2 state attorney may file an information when in the state
3 attorney's judgment and discretion the public interest
4 requires that adult sanctions be considered or imposed.
5 However, the state attorney may not file an information on a
6 child charged with a misdemeanor, unless the child has had at
7 least two previous adjudications or adjudications withheld for
8 delinquent acts, one of which involved an offense classified
9 as a felony under state law.

10 (2) MANDATORY DIRECT FILE.--

11 (a) With respect to any child who was 16 or 17 years
12 of age at the time the alleged offense was committed, the
13 state attorney shall file an information if the child has been
14 previously adjudicated delinquent for an act classified as a
15 felony, which adjudication was for the commission of, attempt
16 to commit, or conspiracy to commit murder, sexual battery,
17 armed or strong-armed robbery, carjacking, home-invasion
18 robbery, aggravated battery, or aggravated assault, and the
19 child is currently charged with a second or subsequent violent
20 crime against a person.

21 (b) Notwithstanding subsection (1), regardless of the
22 child's age at the time the alleged offense was committed, the
23 state attorney must file an information with respect to any
24 child who previously has been adjudicated for offenses which,
25 if committed by an adult, would be felonies and such
26 adjudications occurred at three or more separate delinquency
27 adjudicatory hearings, and three of which resulted in
28 residential commitments as defined in s. 985.03(45).

29 (c) The state attorney must file an information if a
30 child, regardless of the child's age at the time the alleged
31 offense was committed, is alleged to have committed an act

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1 that would be a violation of law if the child were an adult,
2 that involves stealing a motor vehicle, including, but not
3 limited to, a violation of s. 812.133, relating to carjacking,
4 or s. 812.014(2)(c)6., relating to grand theft of a motor
5 vehicle, and while the child was in possession of the stolen
6 motor vehicle the child caused serious bodily injury to or the
7 death of a person who was not involved in the underlying
8 offense. For purposes of this section, the driver and all
9 willing passengers in the stolen motor vehicle at the time
10 such serious bodily injury or death is inflicted shall also be
11 subject to mandatory transfer to adult court. "Stolen motor
12 vehicle," for the purposes of this section, means a motor
13 vehicle that has been the subject of any criminal wrongful
14 taking. For purposes of this section, "willing passengers"
15 means all willing passengers who have participated in the
16 underlying offense.

17 (3) EFFECT OF DIRECT FILE.--

18 (a) Once a child has been transferred for criminal
19 prosecution pursuant to an information and has been found to
20 have committed the presenting offense or a lesser included
21 offense, the child shall be handled thereafter in every
22 respect as if an adult for any subsequent violation of state
23 law, unless the court imposes juvenile sanctions under s.
24 985.233.

25 (b) When a child is transferred for criminal
26 prosecution as an adult, the court shall immediately transfer
27 and certify to the adult circuit appropriate court all felony
28 preadjudicatory cases pertaining to the child, for prosecution
29 of the child as an adult, which have not yet resulted in a
30 plea of guilty or nolo contendere or in which a finding of
31 guilt has not been made. If a child is acquitted of all

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1 charged offenses or lesser included offenses contained in the
2 original case transferred to adult court, all felony cases
3 that were transferred to adult court as a result of this
4 paragraph shall be subject to the same penalties to which such
5 cases would have been subject before being transferred to
6 adult court that pertain to that child which are pending in
7 juvenile court, including, but not limited to, all cases
8 involving offenses that occur or are referred between the date
9 of transfer and sentencing in adult court and all outstanding
10 juvenile disposition orders. The juvenile court shall make
11 every effort to dispose of all predispositional cases and
12 transfer those cases to the adult court prior to adult
13 sentencing. It is the intent of the Legislature to require all
14 cases occurring prior to the sentencing hearing in adult court
15 to be handled by the adult court for final resolution with the
16 original transfer case.

17 (c) When a child has been transferred for criminal
18 prosecution as an adult and has been found to have committed a
19 violation of state law, the disposition of the case may be
20 made under s. 985.233 and may include the enforcement of any
21 restitution ordered in any juvenile proceeding.

22 (4) DIRECT-FILE POLICIES AND GUIDELINES.--Each state
23 attorney shall develop ~~and annually update~~ written policies
24 and guidelines to govern determinations for filing an
25 information on a juvenile, to be submitted to the Executive
26 Office of the Governor, the President of the Senate, the
27 Speaker of the House of Representatives, and the Juvenile
28 Justice Advisory Board not later than January 1 of each year.

29 (5) An information filed pursuant to this section may
30 include all charges that are based on the same act, criminal
31 episode, or transaction as the primary offenses.

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1 Section 37. Subsection (7) is added to section
2 985.228, Florida Statutes, to read:

3 985.228 Adjudicatory hearings; withheld adjudications;
4 orders of adjudication.--

5 (7) Notwithstanding any other provision of law, an
6 adjudication of delinquency for an offense classified as a
7 felony shall disqualify a person from lawfully possessing a
8 firearm until such person reaches 24 years of age.

9 Section 38. Subsections (1) and (2) of section 790.23,
10 Florida Statutes, 1998 Supplement, are amended to read:

11 790.23 Felons and delinquents; possession of firearms
12 or electric weapons or devices unlawful.--

13 (1) It is unlawful for any person to own or to have in
14 his or her care, custody, possession, or control any firearm
15 or electric weapon or device, or to carry a concealed weapon,
16 including a tear gas gun or chemical weapon or device, if that
17 person has been:

18 (a) ~~Convicted of a felony or found to have committed a~~
19 ~~delinquent act that would be a felony if committed by an adult~~
20 ~~in the courts of this state;~~

21 (b) Found, in the courts of this state, to have
22 committed a delinquent act that would be a felony if committed
23 by an adult and such person is under 24 years of age.

24 (c)(b) Convicted of or found to have committed a crime
25 against the United States which is designated as a felony;

26 (d)(c) Found to have committed a delinquent act in
27 another state, territory, or country that would be a felony if
28 committed by an adult and which was punishable by imprisonment
29 for a term exceeding 1 year and such person is under 24 years
30 of age; or

31 (e)(d) Found guilty of an offense that is a felony in

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1 another state, territory, or country and which was punishable
2 by imprisonment for a term exceeding 1 year.

3 (2) This section shall not apply to a person convicted
4 of a felony whose civil rights and firearm authority have been
5 restored, ~~or to a person found to have committed a delinquent~~
6 ~~act that would be a felony if committed by an adult with~~
7 ~~respect to which the jurisdiction of the court pursuant to~~
8 ~~chapter 985 has expired.~~

9 Section 39. Section 985.313, Florida Statutes, is
10 amended to read:

11 985.313 Juvenile correctional facilities or juvenile
12 prison ~~Maximum-risk residential program.~~--A juvenile
13 correctional facility or juvenile prison ~~maximum-risk~~
14 ~~residential program~~ is a physically secure residential
15 commitment program with a designated length of stay from 18
16 months to 36 months, primarily serving children 13 years of
17 age to 19 years of age, or until the jurisdiction of the court
18 expires. The court may retain jurisdiction over the child
19 until the child reaches the age of 21, specifically for the
20 purpose of the child completing the program. Each child
21 committed to this level must meet one of the following
22 criteria:

23 (1) The youth is at least 13 years of age at the time
24 of the disposition for the current offense and has been
25 adjudicated on the current offense for:

- 26 (a) Arson;
27 (b) Sexual battery;
28 (c) Robbery;
29 (d) Kidnapping;
30 (e) Aggravated child abuse;
31 (f) Aggravated assault;

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- 1 (g) Aggravated stalking;
- 2 (h) Murder;
- 3 (i) Manslaughter;
- 4 (j) Unlawful throwing, placing, or discharging of a
- 5 destructive device or bomb;
- 6 (k) Armed burglary;
- 7 (l) Aggravated battery;
- 8 (m) Carjacking;
- 9 (n) Home-invasion robbery;
- 10 (o) Burglary with an assault or battery;
- 11 (p)~~(m)~~ Lewd or lascivious assault or act in the
- 12 presence of a child; or
- 13 (q)~~(n)~~ Carrying, displaying, using, threatening to
- 14 use, or attempting to use a weapon or firearm during the
- 15 commission of a felony.
- 16 (2) The youth is at least 13 years of age at the time
- 17 of the disposition, the current offense is a felony, and the
- 18 child has previously been committed three or more times to a
- 19 delinquency commitment program.
- 20 (3) The youth is at least 13 years of age and is
- 21 currently committed for a felony offense and transferred from
- 22 a moderate-risk or high-risk residential commitment placement.
- 23 (4) The youth is at least 13 years of age at the time
- 24 of the disposition for the current offense, the youth is
- 25 eligible for prosecution as an adult for the current offense,
- 26 and the current offense is ranked at level 7 or higher on the
- 27 Criminal Punishment Code offense severity ranking chart
- 28 pursuant to s. 921.0022.
- 29
- 30 (Redesignate subsequent sections.)
- 31

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

2 And the title is amended as follows:

3 On page 3, line 15, after the semicolon

4

5 insert:

6 amending s. 985.315, F.S.; revising the
7 vocational work training programs under the
8 Department of Juvenile Justice; providing for
9 participation of certain juveniles in
10 educational/technical or vocational
11 work-related program 5 hours per day, 5 days
12 per week; requiring the Juvenile Justice
13 Accountability Board to conduct a study of
14 juvenile vocational and work programs;
15 requiring a report; requiring the department to
16 inventory programs in the state; amending s.
17 985.03, F.S.; redesignating "maximum-risk"
18 residential facilities as "juvenile
19 correctional facilities" or "juvenile prisons";
20 amending s. 985.201, F.S.; conforming a
21 cross-reference for purposes of application to
22 terms of certain restitution orders; amending
23 s. 985.21, F.S.; deleting an authorization for
24 a juvenile probation officer to make certain
25 recommendations to the state attorney;
26 clarifying certain contents of intake reports;
27 authorizing the State Attorney and Department
28 of Juvenile Justice to enter into certain
29 interagency agreements for certain purposes;
30 amending s. 985.225, F.S.; requiring transfer
31 of certain felony cases relating to children to

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1 adult court for prosecution as an adult;
2 repealing s. 985.218(6), F.S., relating to
3 adjudicatory hearings for children committing
4 delinquent acts or violations of law; amending
5 s. 985.226, F.S., relating to criteria for
6 discretionary waiver and mandatory waiver of
7 juvenile court jurisdiction; revising the list
8 of specified offenses to include certain
9 additional offenses; amending s. 985.227, F.S.,
10 relating to discretionary direct-file criteria
11 and mandatory direct-file criteria; permitting
12 the filing of an information when a child was
13 14 or 15 years of age at the time the child
14 attempted to commit or conspired to commit any
15 one of specified offenses; revising duties of
16 the court and guidelines for transfer of cases
17 pertaining to the child when a child is
18 transferred for adult prosecution; removing the
19 requirement for annual updating by the state
20 attorney of direct-file policies and
21 guidelines; providing that the information
22 filed pursuant to specified provisions may
23 include all charges that are based on the same
24 act, criminal episode, or transaction as the
25 primary offense; amending s. 985.228, F.S.;
26 specifying disqualification for possessing a
27 firearm until a certain age for persons
28 adjudicated delinquent for certain felony
29 offenses; amending s. 790.23, F.S.; providing a
30 prohibition against possession of firearms or
31 weapons by certain persons who were found to

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1 have committed delinquent acts classified as
2 felonies; amending s. 985.313, F.S.;
3 redesignating "maximum-risk" residential
4 programs as "juvenile correctional facilities"
5 or "juvenile prisons"; providing that a
6 juvenile may be committed to such a facility if
7 adjudicated on certain additional offenses;
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