

1 A bill to be entitled
2 An act relating to juvenile justice; amending s.
3 985.557, F.S.; revising the circumstances under which
4 a state attorney may file an information when a child
5 of a certain age range commits or attempts to commit
6 specified crimes; deleting a requirement that a state
7 attorney file an information under certain
8 circumstances; revising the effects of the direct
9 filing of a child; prohibiting the transfer of a child
10 under certain circumstances based on the child's
11 competency; requiring the court to consider certain
12 factors after a written request is made for a hearing;
13 authorizing the court, based on these factors, to
14 waive the case back to juvenile court; requiring the
15 Department of Juvenile Justice to collect specified
16 data under certain circumstances; requiring the
17 department to provide an annual report to the
18 Legislature; amending s. 985.56, F.S.; revising the
19 age of a child who is subject to the jurisdiction of a
20 court for certain crimes; prohibiting the transfer of
21 a child under certain circumstances based on the
22 child's competency; removing provisions regarding
23 sentencing of a child; authorizing, rather than
24 requiring, a court to transfer a child indicted under
25 certain circumstances; amending s. 985.565, F.S.;
26 revising the criteria to be used in determining

27 | whether to impose juvenile or adult sanctions;
28 | requiring the adult court to render an order including
29 | specific findings of fact and the reasons for its
30 | decision; providing that the order is reviewable on
31 | appeal; requiring the court to consider any reports
32 | that may assist it; providing for the examination of
33 | the reports; revising how a child may be sanctioned
34 | under certain circumstances; removing a provision
35 | which 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; amending
40 | s. 985.04, F.S., conforming provisions to changes made
41 | by the act; reenacting ss. 985.15(1), 985.265(5), and
42 | 985.556(3), F.S., relating to filing decisions,
43 | detention transfer and release, education, and adult
44 | jails, and waiver of juvenile court jurisdiction and
45 | hearings, respectively, to incorporate the amendment
46 | made to s. 985.557, F.S., in references thereto;
47 | reenacting ss. 985.514(3) and 985.556(5)(a), F.S.,
48 | relating to responsibility for cost of care and fees,
49 | and waiver of juvenile court jurisdiction and
50 | hearings, respectively, to incorporate the amendment
51 | made to s. 985.565, F.S., in references thereto;
52 | providing an effective date.

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

Section 1. 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.—

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

1. Murder;

2. Manslaughter;

3. Sexual battery in violation of s. 794.011(3);

4. Armed robbery;

5. Aggravated assault with a firearm;

6. Aggravated child abuse;

7. Arson in violation of s. 806.031;

8. Kidnapping;

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

79 10. Aggravated battery resulting in great bodily harm,
 80 permanent disability, or permanent disfigurement;

81 11. Carrying, displaying, using, or threatening or
 82 attempting to use a weapon or firearm in furtherance of the
 83 commission of a felony, if the use or threatened use does not
 84 include the mere acquisition of a deadly weapon or firearm
 85 during the felony;

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

88 13. Home invasion robbery;

89 14. Aggravated stalking;

90 15. Carjacking;

91 16. Aggravated animal cruelty by intentional acts; or

92 17. DUI or BUI resulting in fatality, great bodily harm,
 93 permanent disability, or permanent disfigurement to a person.

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

100 1. Murder;

101 2. Manslaughter; or

102 3. Sexual battery in violation of s. 794.011(3).

103 (2) EFFECT OF DIRECT FILE.—

104 (a) When a child is transferred for criminal prosecution

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

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

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

125 (4) REVERSE WAIVER.—A child who is transferred to adult
126 court pursuant to this section may request, in writing, a
127 hearing to determine whether he or she shall remain in adult
128 court. The adult court, in determining whether public safety
129 would be best served by retaining jurisdiction, shall consider
130 the seriousness of the offense, the extent of the child's

131 alleged participation or role in the offense, the sophistication
 132 and maturity of the child, and any prior offenses the child has
 133 committed. The adult court may, based on these considerations,
 134 waive the case back to juvenile court.

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

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

- 139 1. Age.
- 140 2. Race and ethnicity.
- 141 3. Gender.
- 142 4. Circuit and county of residence.
- 143 5. Circuit and county of offense.
- 144 6. Prior adjudicated offenses.
- 145 7. Prior periods of probation.
- 146 8. Previous contacts with law enforcement agencies or the
 147 courts.
- 148 9. Initial charges.
- 149 10. Charges at disposition.
- 150 11. Whether adult codefendants were involved.
- 151 12. Whether child codefendants were involved who were
 152 transferred to adult court.
- 153 13. Whether the child was represented by counsel.
- 154 14. Whether the child has waived counsel.
- 155 15. Risk assessment instrument score.
- 156 16. The child's medical, mental health, substance abuse,

157 or trauma history.

158 17. The child's history of physical or mental impairment
159 or disability-related accommodations.

160 18. The child's history of abuse or neglect.

161 19. The child's history of foster care placements,
162 including the number of prior placements.

163 20. Whether the child has fetal alcohol syndrome or was
164 exposed to controlled substances at birth.

165 21. Whether the child has below-average intellectual
166 functioning or is eligible for exceptional student education
167 services.

168 22. Whether the child has received mental health services
169 or treatment.

170 23. Whether the child has been the subject of a CINS/FINS
171 or dependency petition.

172 24. Plea offers made by the state and the outcome of any
173 plea offers.

174 25. Whether the child was transferred for criminal
175 prosecution as an adult.

176 26. The case resolution in juvenile court.

177 27. The case resolution in adult court.

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

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

186 Section 2. Section 985.56, Florida Statutes, is amended to
 187 read:

188 985.56 Indictment of a juvenile.—

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

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

199 (b) On all other felonies or misdemeanors charged in the
 200 indictment which are based on the same act or transaction as the
 201 indicting offense ~~punishable by death or by life imprisonment or~~
 202 ~~on one or more acts or transactions connected with the offense~~
 203 ~~punishable by death or by life imprisonment.~~

204 (2) An adjudicatory hearing may not be held until 21 days
 205 after the child is taken into custody and charged with having
 206 committed an indictable offense ~~punishable by death or by life~~
 207 ~~imprisonment~~, unless the state attorney advises the court in
 208 writing that he or she does not intend to present the case to

209 the grand jury, or has presented the case to the grand jury and
 210 the grand jury has not returned an indictment. If the court
 211 receives such a notice from the state attorney, or if the grand
 212 jury fails to act within the 21-day period, the court may
 213 proceed as otherwise authorized under this part.

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

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

232 (b) If ~~When~~ a child has been indicted pursuant to this
 233 section, the court may ~~shall immediately~~ transfer and certify to
 234 the adult circuit court all related felony cases pertaining to

235 the child, for prosecution of the child as an adult, which have
 236 not yet resulted in a plea of guilty or nolo contendere or in
 237 which a finding of guilt has not been made. If the child is
 238 acquitted of all charged offenses or lesser included offenses
 239 contained in the indictment case, any ~~all~~ felony cases that were
 240 transferred to adult court pursuant to this paragraph shall be
 241 subject to the same penalties such cases were subject to before
 242 being transferred to adult court.

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

246 985.565 Sentencing powers; procedures; alternatives for
 247 juveniles prosecuted as adults.—

248 (1) POWERS OF DISPOSITION.—

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

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

257 1. The seriousness of the offense to the community and
 258 whether the protection of the community would be best served ~~be~~
 259 ~~protected~~ by juvenile or adult sanctions.

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

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

263 ~~4.2.~~ Whether the offense was committed in an aggressive,
 264 violent, premeditated, or willful manner.

265 ~~5.3.~~ Whether the offense was against persons or against
 266 property, with greater weight being given to offenses against
 267 persons, especially if personal injury resulted.

268 ~~6.4.~~ The sophistication and maturity of the child,
 269 including: offender

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

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

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

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

279 ~~7.5.~~ The record and previous history of the child
 280 ~~offender,~~ including:

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

287 b. Prior periods of probation.

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

290 d. Prior commitments to the Department of Juvenile
291 Justice, the former Department of Health and Rehabilitative
292 Services, the Department of Children and Families, or other
293 facilities or institutions, and the adequacy and appropriateness
294 of the services provided to address the child's needs.

295 e. Previous contacts with law enforcement agencies and the
296 courts.

297 f. History of abuse, abandonment or neglect, foster care
298 placements, failed adoption, fetal alcohol syndrome, exposure to
299 controlled substances at birth, and below-average intellectual
300 functioning.

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

303 ~~8.6.~~ The prospects for adequate protection of the public
304 and the likelihood of deterrence and reasonable rehabilitation
305 of the offender if assigned to services and facilities of the
306 Department of Juvenile Justice.

307 ~~9.7.~~ Whether the Department of Juvenile Justice has
308 appropriate programs, facilities, and services immediately
309 available.

310 ~~8.~~ ~~Whether adult sanctions would provide more appropriate~~
311 ~~punishment and deterrence to further violations of law than the~~
312 ~~imposition of juvenile sanctions.~~

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

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

319 (3) SENTENCING HEARING.—

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

334 (4) SENTENCING ALTERNATIVES.—

335 (a) ~~Adult~~ Sanctions.—

336 ~~1. Cases prosecuted on indictment.—If the child is found~~
337 ~~to have committed the offense punishable by death or life~~
338 ~~imprisonment, the child shall be sentenced as an adult. If the~~

339 ~~juvenile is not found to have committed the indictable offense~~
340 ~~but is found to have committed a lesser included offense or any~~
341 ~~other offense for which he or she was indicted as a part of the~~
342 ~~criminal episode, the court may sentence as follows:~~

343 ~~a. As an adult;~~

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

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

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

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

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

354 ~~3.c.~~ As a juvenile under this section.

355 ~~3. Notwithstanding any other provision to the contrary, if~~
356 ~~the state attorney is required to file a motion to transfer and~~
357 ~~certify the juvenile for prosecution as an adult under s.~~
358 ~~985.556(3) and that motion is granted, or if the state attorney~~
359 ~~is required to file an information under s. 985.557(2)(a) or~~
360 ~~(b), the court must impose adult sanctions.~~

361 ~~(b)4.~~ Findings.—The court must ~~Any sentence imposing adult~~
362 ~~sanctions is presumed appropriate, and the court is not required~~
363 ~~to~~ set forth specific findings or enumerate the criteria in this
364 subsection as any basis for its decision to impose adult

365 sanctions.

366 (c)5. Restitution.—When a child has been transferred for
367 criminal prosecution as an adult and has been found to have
368 committed a violation of state law, the disposition of the case
369 may include the enforcement of any restitution ordered in any
370 juvenile proceeding.

371 (d)(b) Juvenile sanctions.—~~If a juvenile sentence is For~~
372 ~~juveniles transferred to adult court but who do not qualify for~~
373 ~~such transfer under s. 985.556(3) or s. 985.557(2) (a) or (b),~~
374 ~~the court may impose juvenile sanctions under this paragraph. If~~
375 ~~juvenile sentences are imposed, the court shall, under this~~
376 ~~paragraph, adjudge the child to have committed a delinquent act.~~
377 ~~Adjudication of delinquency shall not be deemed a conviction,~~
378 ~~nor shall it operate to impose any of the civil disabilities~~
379 ~~ordinarily resulting from a conviction. The court shall impose~~
380 ~~an adult sanction or a juvenile sanction and may not sentence~~
381 ~~the child to a combination of adult and juvenile punishments. An~~
382 ~~adult sanction or a juvenile sanction may include enforcement of~~
383 ~~an order of restitution or probation previously ordered in any~~
384 ~~juvenile proceeding. However, if the court imposes a juvenile~~
385 ~~sanction and the department determines that the sanction is~~
386 ~~unsuitable for the child, the department shall return custody of~~
387 ~~the child to the sentencing court for further proceedings,~~
388 ~~including the imposition of adult sanctions. Upon adjudicating a~~
389 ~~child delinquent under subsection (1), the court may:~~

390 1. Place the child in a probation program under the

391 supervision of the department for an indeterminate period of
392 time until the child reaches the age of 19 years or sooner if
393 discharged by order of the court.

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

401 3. Order disposition under ss. 985.435, 985.437, 985.439,
402 985.441, 985.45, and 985.455 as an alternative to youthful
403 offender or adult sentencing if the court determines not to
404 impose youthful offender or adult sanctions.

405 (e)~~(e)~~ Adult sanctions upon failure of juvenile
406 sanctions.—If a child proves not to be suitable to a commitment
407 program, juvenile probation program, or treatment program under
408 paragraph (d)~~(b)~~, the department shall provide the sentencing
409 court with a written report outlining the basis for its
410 objections to the juvenile sanction and shall simultaneously
411 provide a copy of the report to the state attorney and the
412 defense counsel. The department shall schedule a hearing within
413 30 days. Upon hearing, the court may revoke the previous
414 adjudication, impose an adjudication of guilt, and impose any
415 sentence which it may lawfully impose, giving credit for all
416 time spent by the child in the department. The court may also

417 classify the child as a youthful offender under s. 958.04, if
418 appropriate. For purposes of this paragraph, a child may be
419 found not suitable to a commitment program, community control
420 program, or treatment program under paragraph (d)~~(b)~~ if the
421 child commits a new violation of law while under juvenile
422 sanctions, if the child commits any other violation of the
423 conditions of juvenile sanctions, or if the child's actions are
424 otherwise determined by the court to demonstrate a failure of
425 juvenile sanctions.

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

430 (g)~~(e)~~ School attendance.—If the child is attending or is
431 eligible to attend public school and the court finds that the
432 victim or a sibling of the victim in the case is attending or
433 may attend the same school as the child, the court placement
434 order shall include a finding pursuant to the proceeding
435 described in s. 985.455(2), regardless of whether adjudication
436 is withheld.

437
438 It is the intent of the Legislature that the criteria and
439 guidelines in this subsection are mandatory and that a
440 determination of disposition under this subsection is subject to
441 the right of the child to appellate review under s. 985.534.

442 Section 4. Subsection (1) of section 985.556, Florida

443 Statutes, is amended to read:

444 985.556 Waiver of juvenile court jurisdiction; hearing.—

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

457 985.565(4)(d) ~~985.565(4)(b)~~.

458 Section 5. Subsection (2) of section 985.04, Florida
 459 Statutes, is amended to read:

460 985.04 Oaths; records; confidential information.—

461 (2) Notwithstanding any other provisions of this chapter,
 462 the name, photograph, address, and crime or arrest report of a
 463 child:

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

467 (b) Found by a court to have committed three or more
 468 violations of law which, if committed by an adult, would be

469 misdemeanors;

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

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

474 (d)(e) Transferred to the adult system but sentenced to
 475 the juvenile system under s. 985.565

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477 shall not be considered confidential and exempt from s.
 478 119.07(1) solely because of the child's age.

479 Section 6. For the purpose of incorporating the amendment
 480 made by this act to section 985.557, Florida Statutes, in a
 481 reference thereto, subsection (1) of section 985.15, Florida
 482 Statutes, is reenacted to read:

483 985.15 Filing decisions.—

484 (1) The state attorney may in all cases take action
 485 independent of the action or lack of action of the juvenile
 486 probation officer and shall determine the action that is in the
 487 best interest of the public and the child. If the child meets
 488 the criteria requiring prosecution as an adult under s. 985.556,
 489 the state attorney shall request the court to transfer and
 490 certify the child for prosecution as an adult or shall provide
 491 written reasons to the court for not making such a request. In
 492 all other cases, the state attorney may:

493 (a) File a petition for dependency;

494 (b) File a petition under chapter 984;

495 (c) File a petition for delinquency;

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

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

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

500 (g) Refer the child to a diversionary, pretrial
 501 intervention, arbitration, or mediation program, or to some
 502 other treatment or care program if such program commitment is
 503 voluntarily accepted by the child or the child's parents or
 504 legal guardian; or

505 (h) Decline to file.

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

510 985.265 Detention transfer and release; education; adult
 511 jails.—

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

515 (a) When the child has been transferred or indicted for
 516 criminal prosecution as an adult under part X, except that the
 517 court may not order or allow a child alleged to have committed a
 518 misdemeanor who is being transferred for criminal prosecution
 519 pursuant to either s. 985.556 or s. 985.557 to be detained or
 520 held in a jail or other facility intended or used for the

521 detention of adults; however, such child may be held temporarily
 522 in a detention facility; or

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

525
 526 The child shall be housed separately from adult inmates to
 527 prohibit a child from having regular contact with incarcerated
 528 adults, including trusties. "Regular contact" means sight and
 529 sound contact. Separation of children from adults shall permit
 530 no more than haphazard or accidental contact. The receiving jail
 531 or other facility shall contain a separate section for children
 532 and shall have an adequate staff to supervise and monitor the
 533 child's activities at all times. Supervision and monitoring of
 534 children includes physical observation and documented checks by
 535 jail or receiving facility supervisory personnel at intervals
 536 not to exceed 10 minutes. This subsection does not prohibit
 537 placing two or more children in the same cell. Under no
 538 circumstances shall a child be placed in the same cell with an
 539 adult.

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

544 985.556 Waiver of juvenile court jurisdiction; hearing.—

545 (3) INVOLUNTARY MANDATORY WAIVER.—

546 (a) If the child was 14 years of age or older, and if the

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

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

563

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

571 Section 9. For the purpose of incorporating the amendment
572 made by this act to section 985.565, Florida Statutes, in a

573 reference thereto, subsection (3) of section 985.514, Florida
574 Statutes, is reenacted to read:

575 985.514 Responsibility for cost of care; fees.—

576 (3) When the court under s. 985.565 orders any child
577 prosecuted as an adult to be supervised by or committed to the
578 department for treatment in any of the department's programs for
579 children, the court shall order the child's parents to pay fees
580 as provided in s. 985.039.

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

585 985.556 Waiver of juvenile court jurisdiction; hearing.—

586 (5) EFFECT OF ORDER WAIVING JURISDICTION.—

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

593 Section 11. This act shall take effect July 1, 2016.