

By Senator Powell

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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; prohibiting the transfer of a child to  
9           adult court under certain circumstances based on the  
10          child's competency; requiring the Department of  
11          Juvenile Justice to collect specified data under  
12          certain circumstances; requiring the department to  
13          provide an annual report to the Legislature; amending  
14          s. 985.56, F.S.; prohibiting the transfer of a child  
15          to adult court under certain circumstances based on  
16          the child's competency; amending s. 985.565, F.S.;  
17          providing specified sanctions to which a juvenile may  
18          be sentenced; prohibiting a sentence from exceeding  
19          the maximum term that an adult may serve for the same  
20          offense; revising the criteria to be used in  
21          determining whether to impose juvenile or adult  
22          sanctions; requiring the adult court to enter an order  
23          including specific findings of fact and the reasons  
24          for its decision; authorizing the court to consider  
25          certain reports that may assist it; providing for the  
26          examination of the reports by certain parties;  
27          revising how a child may be sanctioned under certain  
28          circumstances; removing a provision that requires a  
29          court to impose adult sanctions under certain  
30          circumstances; requiring the court to explain the  
31          basis for imposing adult sanctions; revising when  
32          juvenile sanctions may be imposed; providing criteria

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33 for blended sanctions; amending s. 985.556, F.S.;

34 conforming a cross-reference; reenacting ss. 985.15(1)

35 and 985.265(5), F.S., relating to filing decisions and

36 detention transfer and release, education, and adult

37 jails, respectively, to incorporate the amendment made

38 to s. 985.557, F.S., in references thereto; reenacting

39 ss. 985.514(3) and 985.56(3) and (4) (a), F.S.,

40 relating to responsibility for cost of care and fees

41 and indictment of a juvenile, respectively, to

42 incorporate the amendment made to s. 985.565, F.S., in

43 references thereto; reenacting s. 985.556(3) and

44 (5) (a), F.S., relating to waiver of juvenile court

45 jurisdiction and hearings, to incorporate the

46 amendments made to ss. 985.557 and 985.565, F.S., in

47 references thereto; providing an effective date.

48

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

50

51 Section 1. Section 985.557, Florida Statutes, is amended to

52 read:

53 (Substantial rewording of section. See

54 s. 985.557, F.S., for present text.)

55 985.557 Direct filing of an information.—

56 (1) DIRECT FILE.—

57 (a) With respect to a child who was 16 years of age or

58 older and younger than 18 years of age at the time the alleged

59 offense was committed, the state attorney may file an

60 information if, in the state attorney's judgment and discretion,

61 the public interest requires that adult sanctions be considered

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62 and the offense charged is for the commission of or attempt to  
63 commit:

64 1. Murder;

65 2. Manslaughter;

66 3. Sexual battery;

67 4. Robbery;

68 5. Aggravated assault;

69 6. Aggravated child abuse;

70 7. Arson;

71 8. Kidnapping;

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

74 10. Aggravated battery;

75 11. Carrying, displaying, using, or threatening or  
76 attempting to use a weapon or firearm in furtherance of the  
77 commission of a felony;

78 12. Possessing or discharging a weapon or firearm on school  
79 property in violation of s. 790.115;

80 13. Home invasion robbery;

81 14. Aggravated stalking;

82 15. Carjacking;

83 16. Aggravated animal cruelty by intentional acts;

84 17. DUI or BUI resulting in fatality, great bodily harm,  
85 permanent disability, or permanent disfigurement to a person;

86 18. Felony DUI or BUI in violation of s. 316.193(2)(b)1. or  
87 3. or s. 327.35(2)(b)1. or 3., respectively;

88 19. Leaving the scene of an accident resulting in fatality,  
89 great bodily harm, permanent disability, or permanent  
90 disfigurement to a person;

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91 20. Any lewd or lascivious offense committed upon or in the  
92 presence of a person younger than 16 years of age; or

93 21. Burglary in violation of s. 810.02(2) (a), burglary of a  
94 dwelling in violation of s. 810.02(2) or (3), or burglary in  
95 violation of s. 810.02(3) (c) or (d).

96 (b) With respect to a child who was 14 years of age or  
97 older and younger than 16 years of age at the time the alleged  
98 offense was committed, the state attorney may file an  
99 information if, in the state attorney's judgment and discretion,  
100 the public interest requires that adult sanctions be considered  
101 and the offense charged is for the commission of or attempt to  
102 commit:

103 1. Murder;

104 2. Manslaughter;

105 3. Sexual battery;

106 4. Robbery;

107 5. Aggravated battery;

108 6. Carjacking;

109 7. Home invasion robbery;

110 8. Kidnapping;

111 9. Burglary of a dwelling or burglary in violation of s.  
112 810.02(2) (a);

113 10. Arson; or

114 11. Possessing or discharging any weapon or firearm on  
115 school property in violation of s. 790.115.

116 (c) With respect to a child who was 15 years of age or  
117 older and younger than 18 years of age at the time the alleged  
118 offense was committed, the state attorney may file an  
119 information for a felony if, in the state attorney's judgment

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120 and discretion, the public interest requires that adult  
121 sanctions be considered and the child has had a prior  
122 adjudication for an offense that would be a felony if committed  
123 by an adult.

124 (d) With respect to a child who is 17 years of age or older  
125 and younger than 18 years of age at the time the alleged offense  
126 was committed, the state attorney may file an information for a  
127 violation of s. 784.03(1)(b) if, in the state attorney's  
128 judgment and discretion, the public interest requires that adult  
129 sanctions be considered, the child has had a prior adjudication  
130 for an offense that would be a felony if committed by an adult,  
131 and the victim requests that the offense be filed in adult  
132 court.

133 (2) EFFECT OF DIRECT FILE.-

134 (a) If a child is transferred for criminal prosecution as  
135 an adult, the court must transfer and certify to the adult  
136 circuit court all felony cases pertaining to the child which  
137 have not yet resulted in a plea of guilty or nolo contendere or  
138 in which a finding of guilt has not been made. If the child is  
139 acquitted of all charged offenses or lesser included offenses  
140 contained in the original case transferred to adult court, any  
141 felony cases that were transferred to adult court under this  
142 subsection are subject to the same penalties they were subject  
143 to before their transfer.

144 (b) If a child has been transferred to adult court pursuant  
145 to this section and found to have committed the presenting  
146 offense or a lesser included offense, he or she must be treated  
147 as an adult for each subsequent violation of state law, unless  
148 the court imposes juvenile sanctions under s. 985.565.

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149       (3) TRANSFER PROHIBITION.—Notwithstanding any other law, a  
150 child who is eligible for direct file and who has a pending  
151 competency hearing in juvenile court or has previously been  
152 found to be incompetent and has not been restored to competency  
153 by a court may not be transferred to adult court for criminal  
154 prosecution.

155       (4) DATA COLLECTION RELATING TO DIRECT FILE.—

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

159       1. Age.

160       2. Race and ethnicity.

161       3. Gender.

162       4. Circuit and county of residence.

163       5. Circuit and county of offense.

164       6. Prior adjudicated offenses.

165       7. Prior periods of probation.

166       8. Previous contacts with law enforcement agencies or the  
167 courts.

168       9. Initial charges.

169       10. Charges at disposition.

170       11. Whether adult codefendants were involved.

171       12. Whether child codefendants were involved who were  
172 transferred to adult court.

173       13. Whether the child was represented by counsel.

174       14. Whether the child has waived counsel.

175       15. Risk assessment instrument score.

176       16. The child's medical, mental health, substance abuse, or  
177 trauma history.

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178 17. The child's history of abuse or neglect.

179 18. The child's history of foster care placements,  
180 including the number of prior placements.

181 19. Whether the child has been the subject of a children-  
182 in-need-of-services or families-in-need-of-services petition or  
183 dependency petition.

184 20. The case resolution in juvenile court.

185 21. The case resolution in adult court.

186 (b) If a child is transferred for criminal prosecution as  
187 an adult, the department must also collect disposition data,  
188 including, but not limited to, whether the child received adult  
189 sanctions, juvenile sanctions, blended sanctions, or diversion  
190 and, if sentenced to prison, the length of prison sentence or  
191 enhanced sentence.

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

195 Section 2. Subsection (5) is added to section 985.56,  
196 Florida Statutes, to read:

197 985.56 Indictment of a juvenile.—

198 (5) Notwithstanding any other law, a child who is eligible  
199 for indictment and who has a pending competency hearing in  
200 juvenile court or has previously been found to be incompetent  
201 and has not been restored to competency by a court may not be  
202 transferred to adult court for criminal prosecution.

203 Section 3. Subsection (1), paragraphs (a) and (c) of  
204 subsection (3), and subsection (4) of section 985.565, Florida  
205 Statutes, are amended to read:

206 985.565 Sentencing powers; procedures; alternatives for

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207 juveniles prosecuted as adults.-

208 (1) POWERS OF DISPOSITION.-

209 (a) A child in adult court who is found to have committed a  
210 violation of law may be sentenced to adult sanctions, juvenile  
211 sanctions, or blended sanctions consisting of both juvenile and  
212 adult sanctions. The child's sentence may include a term of  
213 imprisonment, community control, probation, commitment, ~~as an~~  
214 ~~alternative to adult dispositions, be committed to the~~  
215 department for treatment in an appropriate program, ~~for children~~  
216 ~~outside the adult correctional system or be placed on juvenile~~  
217 probation, or any combination thereof. The sentence may also  
218 include any other sanction authorized by law. A sentence imposed  
219 under this section may not exceed the maximum term that an adult  
220 may serve for the same offense.

221 (b) In determining whether to impose juvenile sanctions,  
222 ~~instead of adult sanctions, or blended sanctions,~~ the court  
223 shall consider the following criteria:

224 1. The seriousness of the offense to the community and  
225 whether the protection of the community would be best served ~~be~~  
226 protected by juvenile, or adult, or blended sanctions.

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

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

230 ~~4.2.~~ Whether the offense was committed in an aggressive,  
231 violent, premeditated, or willful manner.

232 ~~5.3.~~ Whether the offense was against persons or against  
233 property, with greater weight being given to offenses against  
234 persons, especially if personal injury resulted.

235 ~~6.4.~~ The sophistication and maturity of the child,

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236 including: offender.

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

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

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

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

246 7.5. The record and previous history of the child offender,  
247 including:

248 a. Previous contacts with the Department of Corrections,  
249 the Department of Juvenile Justice, the former Department of  
250 Health and Rehabilitative Services, or the Department of  
251 Children and Families, and the adequacy and appropriateness of  
252 the services provided to address the child's needs ~~law~~  
253 enforcement agencies, and the courts.

254 b. Prior periods of probation.

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

257 d. Prior commitments to the Department of Juvenile Justice,  
258 the former Department of Health and Rehabilitative Services, the  
259 Department of Children and Families, or other facilities or  
260 institutions, and the adequacy and appropriateness of the  
261 services provided to address the child's needs.

262 e. Previous contacts with law enforcement agencies and the  
263 courts.

264 f. History of abuse, abandonment or neglect, or foster care

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265 placements.

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

268 8.6. The prospects for adequate protection of the public  
269 and the likelihood of deterrence and reasonable rehabilitation  
270 of the offender if assigned to services and facilities of the  
271 Department of Juvenile Justice.

272 9.7. Whether the Department of Juvenile Justice has  
273 appropriate programs, facilities, and services immediately  
274 available.

275 10.8. Whether adult sanctions would provide more  
276 appropriate punishment and deterrence to further violations of  
277 law than the imposition of juvenile sanctions.

278 11. Whether the Department of Corrections has appropriate  
279 programs, facilities, and services immediately available.

280 (c) The adult court shall enter an order under paragraph  
281 (4) (b) for its sentencing decision.

282 (3) SENTENCING HEARING.—

283 (a) At the sentencing hearing the court shall receive and  
284 consider a presentence investigation report by the Department of  
285 Corrections regarding the suitability of the offender for  
286 ~~disposition as an adult sanctions, or as a juvenile sanctions,~~  
287 or blended sanctions. The presentence investigation report must  
288 include a comments section prepared by the Department of  
289 Juvenile Justice, with its recommendations as to disposition.  
290 This report requirement may be waived by the offender.

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

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294 the child, and may rely upon such evidence to the extent of its  
295 probative value even if the evidence would not be competent in  
296 an adjudicatory hearing. Reports the court may consider include,  
297 but are not limited to, prior predisposition reports,  
298 psychosocial assessments, individualized educational plans,  
299 developmental assessments, school records, abuse or neglect  
300 reports, home studies, protective investigations, and  
301 psychological or psychiatric evaluations. The child, the child's  
302 defense counsel, and the state attorney have the right to  
303 examine the reports and to question the parties responsible for  
304 the reports at the hearing.

305 (4) SENTENCING ALTERNATIVES.—

306 (a) ~~Adult Sanctions.~~—

307 1. ~~Cases prosecuted on indictment. If the child is found to~~  
308 ~~have committed the offense punishable by death or life~~  
309 ~~imprisonment, the child shall be sentenced as an adult. If the~~  
310 ~~juvenile is not found to have committed the indictable offense~~  
311 ~~but is found to have committed a lesser included offense or any~~  
312 ~~other offense for which he or she was indicted as a part of the~~  
313 ~~criminal episode, the court may sentence as follows:~~

314 a. ~~As an adult;~~

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

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

317 2. ~~Other cases.~~—If a child who has been transferred to  
318 adult court for criminal prosecution pursuant to indictment,  
319 information, or waiver of juvenile court jurisdiction is found  
320 to have committed a violation of state law or a lesser included  
321 offense for which he or she was charged as a part of the  
322 criminal episode, the court may sentence as follows:

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323       ~~1.a.~~ As an adult;

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

325       ~~3.e.~~ As a juvenile under this section; or

326       4. To a blended sanction as provided in paragraph (e).

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

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

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

330 ~~985.556(3) and that motion is granted, or if the state attorney~~

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

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

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

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

335 ~~to set forth specific findings or enumerate the criteria in~~

336 paragraph (1)(b) this subsection as the any basis for its

337 decision to impose adult or blended sanctions.

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

339 criminal prosecution as an adult and ~~has been~~ found to have

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

341 may include the enforcement of ~~any~~ restitution ordered in any

342 juvenile proceeding.

343       ~~(d)(b) Juvenile sanctions.—If juvenile sanctions~~ For

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

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

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

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

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

349 An adjudication of delinquency may ~~shall~~ not be deemed a

350 conviction and may not, ~~nor shall it~~ operate to impose any of

351 the civil disabilities ordinarily resulting from a conviction.

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352 ~~The court shall impose an adult sanction or a juvenile sanction~~  
353 ~~and may not sentence the child to a combination of adult and~~  
354 ~~juvenile punishments. An adult sanction or~~ A juvenile sanction  
355 may include enforcement of an order of restitution or probation  
356 previously ordered in any juvenile proceeding. However, if the  
357 court imposes a juvenile sanction and the department determines  
358 that the sanction is unsuitable for the child, the department  
359 shall return custody of the child to the sentencing court for  
360 further proceedings, including the imposition of adult  
361 sanctions. Upon adjudicating a child delinquent under this  
362 paragraph ~~subsection (1)~~, the court may:

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

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

374 3. Order disposition under ss. 985.435, 985.437, 985.439,  
375 985.441, 985.45, and 985.455 as an alternative to youthful  
376 offender or adult sentencing if the court determines not to  
377 impose youthful offender or adult sanctions.

378 (e) Blended sanctions.—If blended sanctions are imposed,  
379 the court must withhold adjudication of guilt as an adult and  
380 adjudge the child to have committed a delinquent act. An

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381 adjudication of delinquency under this paragraph may not be  
382 deemed a conviction and may not operate to impose any of the  
383 civil disabilities ordinarily resulting from a conviction.

384 1. The court shall place the child on adult probation,  
385 youthful offender probation under chapter 958, or community  
386 control through the Department of Corrections with a special  
387 condition to successfully complete a residential commitment  
388 program with an appropriate restrictiveness level. The sentence  
389 may also include any other adult sanction authorized by law. A  
390 blended sanction may include enforcement of an order of  
391 restitution or probation previously ordered in any juvenile  
392 proceeding.

393 2. Notwithstanding any law to the contrary, the court  
394 determining the appropriate restrictiveness level for a child  
395 shall consider the recommendations of the department, the state  
396 attorney, and the child's attorney but is not bound by any such  
397 recommendation. The court may order the child's incarceration in  
398 the juvenile detention center or county jail pending placement  
399 in the residential commitment program.

400 3. The department shall notify the court and the Department  
401 of Corrections of its intent to discharge the child from the  
402 residential commitment program no later than 14 days before  
403 discharge. Failure of the court to timely respond to the  
404 department's notice shall be considered approval for discharge.

405 (f) ~~(e)~~ Resentencing Adult sanctions upon failure of  
406 juvenile sanctions.—If a child proves not to be suitable to a  
407 commitment program, juvenile probation program, or treatment  
408 program under paragraph (d) ~~(b)~~, the department shall provide  
409 the sentencing court with a written report outlining the basis

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

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

431 (h) ~~(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  
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.

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

459 Section 5. For the purpose of incorporating the amendment  
460 made by this act to section 985.557, Florida Statutes, in a  
461 reference thereto, subsection (1) of section 985.15, Florida  
462 Statutes, is reenacted to read:

463 985.15 Filing decisions.—

464 (1) The state attorney may in all cases take action  
465 independent of the action or lack of action of the juvenile  
466 probation officer and shall determine the action that is in the  
467 best interest of the public and the child. If the child meets

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468 the criteria requiring prosecution as an adult under s. 985.556,  
469 the state attorney shall request the court to transfer and  
470 certify the child for prosecution as an adult or shall provide  
471 written reasons to the court for not making such a request. In  
472 all other cases, the state attorney may:

- 473 (a) File a petition for dependency;
- 474 (b) File a petition under chapter 984;
- 475 (c) File a petition for delinquency;
- 476 (d) File a petition for delinquency with a motion to  
477 transfer and certify the child for prosecution as an adult;
- 478 (e) File an information under s. 985.557;
- 479 (f) Refer the case to a grand jury;
- 480 (g) Refer the child to a diversionary, pretrial  
481 intervention, arbitration, or mediation program, or to some  
482 other treatment or care program if such program commitment is  
483 voluntarily accepted by the child or the child's parents or  
484 legal guardian; or
- 485 (h) Decline to file.

486 Section 6. For the purpose of incorporating the amendment  
487 made by this act to section 985.557, Florida Statutes, in a  
488 reference thereto, subsection (5) of section 985.265, Florida  
489 Statutes, is reenacted to read:

490 985.265 Detention transfer and release; education; adult  
491 jails.—

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

- 494 (a) When the child has been transferred or indicted for  
495 criminal prosecution as an adult under part X, except that the  
496 court may not order or allow a child alleged to have committed a

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497 misdemeanor who is being transferred for criminal prosecution  
498 pursuant to either s. 985.556 or s. 985.557 to be detained or  
499 held in a jail or other facility intended or used for the  
500 detention of adults; however, such child may be held temporarily  
501 in a detention facility; or

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

504

505 The child shall be housed separately from adult inmates to  
506 prohibit a child from having regular contact with incarcerated  
507 adults, including trustees. "Regular contact" means sight and  
508 sound contact. Separation of children from adults shall permit  
509 no more than haphazard or accidental contact. The receiving jail  
510 or other facility shall contain a separate section for children  
511 and shall have an adequate staff to supervise and monitor the  
512 child's activities at all times. Supervision and monitoring of  
513 children includes physical observation and documented checks by  
514 jail or receiving facility supervisory personnel at intervals  
515 not to exceed 10 minutes. This subsection does not prohibit  
516 placing two or more children in the same cell. Under no  
517 circumstances shall a child be placed in the same cell with an  
518 adult.

519 Section 7. For the purpose of incorporating the amendment  
520 made by this act to section 985.565, Florida Statutes, in a  
521 reference thereto, subsection (3) of section 985.514, Florida  
522 Statutes, is reenacted to read:

523 985.514 Responsibility for cost of care; fees.—

524 (3) When the court under s. 985.565 orders any child  
525 prosecuted as an adult to be supervised by or committed to the

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526 department for treatment in any of the department's programs for  
527 children, the court shall order the child's parents to pay fees  
528 as provided in s. 985.039.

529 Section 8. For the purpose of incorporating the amendment  
530 made by this act to section 985.565, Florida Statutes, in  
531 references thereto, subsection (3) and paragraph (a) of  
532 subsection (4) of section 985.56, Florida Statutes, are  
533 reenacted to read:

534 985.56 Indictment of a juvenile.—

535 (3) If the child is found to have committed the offense  
536 punishable by death or by life imprisonment, the child shall be  
537 sentenced as an adult. If the juvenile is not found to have  
538 committed the indictable offense but is found to have committed  
539 a lesser included offense or any other offense for which he or  
540 she was indicted as a part of the criminal episode, the court  
541 may sentence under s. 985.565.

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

548 Section 9. For the purpose of incorporating the amendments  
549 made by this act to sections 985.557 and 985.565, Florida  
550 Statutes, in references thereto, subsection (3) and paragraph  
551 (a) of subsection (5) of section 985.556, Florida Statutes, are  
552 reenacted to read:

553 985.556 Waiver of juvenile court jurisdiction; hearing.—

554 (3) INVOLUNTARY MANDATORY WAIVER.—

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555 (a) If the child was 14 years of age or older, and if the  
556 child has been previously adjudicated delinquent for an act  
557 classified as a felony, which adjudication was for the  
558 commission of, attempt to commit, or conspiracy to commit  
559 murder, sexual battery, armed or strong-armed robbery,  
560 carjacking, home-invasion robbery, aggravated battery,  
561 aggravated assault, or burglary with an assault or battery, and  
562 the child is currently charged with a second or subsequent  
563 violent crime against a person; or

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

572  
573 the state attorney shall request the court to transfer and  
574 certify the child for prosecution as an adult or shall provide  
575 written reasons to the court for not making such request, or  
576 proceed under s. 985.557(1). Upon the state attorney's request,  
577 the court shall either enter an order transferring the case and  
578 certifying the case for trial as if the child were an adult or  
579 provide written reasons for not issuing such an order.

580 (5) EFFECT OF ORDER WAIVING JURISDICTION.—

581 (a) Once a child has been transferred for criminal  
582 prosecution pursuant to an involuntary waiver hearing and has  
583 been found to have committed the presenting offense or a lesser

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584 included offense, the child shall thereafter be handled in every  
585 respect as an adult for any subsequent violation of state law,  
586 unless the court imposes juvenile sanctions under s. 985.565.

587 Section 10. This act shall take effect July 1, 2017.