

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

27 certain circumstances; removing a provision which  
28 requires a court to impose adult sanctions under  
29 certain circumstances; requiring the court to explain  
30 the basis for imposing adult sanctions; revising when  
31 juvenile sanctions may be imposed; providing criteria  
32 for blended sanctions; amending ss. 985.04 and  
33 985.556, F.S.; conforming provisions to changes made  
34 by the act; reenacting ss. 985.15(1), 985.265(5), and  
35 985.556(3), F.S., relating to filing decisions,  
36 detention transfer and release, education, and adult  
37 jails, and waiver of juvenile court jurisdiction and  
38 hearings, respectively, to incorporate the amendment  
39 made to s. 985.557, F.S., in references thereto;  
40 reenacting ss. 985.514(3), 985.556(5)(a), and  
41 985.56(3), F.S., relating to responsibility for cost  
42 of care and fees, waiver of juvenile court  
43 jurisdiction and hearings, and indictment of a child,  
44 respectively, to incorporate the amendment made to s.  
45 985.565, F.S., in references thereto; providing an  
46 effective date.

47  
48 Be It Enacted by the Legislature of the State of Florida:

49  
50 Section 1. Section 985.557, Florida Statutes, is amended  
51 to read:

52 (Substantial rewording of section. See

53 s. 985.557, F.S., for present text.)  
 54 985.557 Direct filing of an information.-  
 55 (1) DIRECT FILE.-  
 56 (a) With respect to a child who was 16 years of age or  
 57 older and younger than 18 years of age at the time the alleged  
 58 offense was committed, the state attorney may file an  
 59 information if, in the state attorney's judgment and discretion,  
 60 the public interest requires that adult sanctions be considered  
 61 and the offense charged is for the commission of or attempt to  
 62 commit:  
 63 1. Murder;  
 64 2. Manslaughter;  
 65 3. Sexual battery;  
 66 4. Robbery;  
 67 5. Aggravated assault;  
 68 6. Aggravated child abuse;  
 69 7. Arson;  
 70 8. Kidnapping;  
 71 9. Unlawful throwing, placing, or discharging of a  
 72 destructive device or bomb;  
 73 10. Aggravated battery;  
 74 11. Carrying, displaying, using, or threatening or  
 75 attempting to use a weapon or firearm in furtherance of the  
 76 commission of a felony;  
 77 12. Possessing or discharging a weapon or firearm on  
 78 school property in violation of s. 790.115;

- 79        13. Home invasion robbery;  
 80        14. Aggravated stalking;  
 81        15. Carjacking;  
 82        16. Aggravated animal cruelty by intentional acts;  
 83        17. DUI or BUI resulting in fatality, great bodily harm,  
 84 permanent disability, or permanent disfigurement to a person;  
 85        18. Felony DUI or BUI in violation of s. 316.193(2) (b)1.  
 86 or 3. or s. 327.35(2) (b)1. or 3., respectively;  
 87        19. Leaving the scene of an accident resulting in  
 88 fatality, great bodily harm, permanent disability, or permanent  
 89 disfigurement to a person;  
 90        20. Any lewd or lascivious offense committed upon or in  
 91 the presence of a person younger than 16 years of age; or  
 92        21. Burglary in violation of s. 810.02(2) (a), burglary of  
 93 a dwelling in violation of s. 810.02(2) or (3), or burglary in  
 94 violation of s. 810.02(3) (c) or (d).  
 95        (b) With respect to a child who was 14 years of age or  
 96 older and younger than 16 years of age at the time the alleged  
 97 offense was committed, the state attorney may file an  
 98 information if, in the state attorney's judgment and discretion,  
 99 the public interest requires that adult sanctions be considered  
 100 and the offense charged is for the commission of or attempt to  
 101 commit:  
 102        1. Murder;  
 103        2. Manslaughter;  
 104        3. Sexual battery;

- 105        4. Robbery;
- 106        5. Aggravated battery;
- 107        6. Carjacking;
- 108        7. Home invasion robbery;
- 109        8. Kidnapping;
- 110        9. Burglary of a dwelling or burglary in violation of s.

111 810.02(2)(a);

112        10. Arson; or

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

115        (c) With respect to a child who was 15 years of age or  
 116 older and younger than 18 years of age at the time the alleged  
 117 offense was committed, the state attorney may file an  
 118 information for a felony if, in the state attorney's judgment  
 119 and discretion, the public interest requires that adult  
 120 sanctions be considered and the child has had a prior  
 121 adjudication for an offense that would be a felony if committed  
 122 by an adult.

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

131 in adult court.

132 (2) EFFECT OF DIRECT FILE.—

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

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

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,  
 177 or trauma history.
- 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 shall 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  
 207 juveniles prosecuted as adults.—

208 (1) POWERS OF DISPOSITION.—



209           (a) A child who is found to have committed a violation of  
 210 law in adult court 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,  
 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  
 247 offender, 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  
 258 Justice, the former Department of Health and Rehabilitative  
 259 Services, the Department of Children and Families, or other  
 260 facilities or institutions, and the adequacy and appropriateness

261 of the 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  
265 care 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  
 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 programs,  
 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~~  
 308 ~~to 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:

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

339 for 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.  
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 shall withhold adjudication of guilt as an adult and  
380 adjudge the child to have committed a delinquent act. An  
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 an appropriate  
388 restrictiveness level residential commitment program with the  
389 department. The sentence may also include any other adult  
390 sanction authorized by law. A blended sanction may include

391 enforcement of an order of restitution or probation previously  
 392 ordered in any juvenile 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 as to the appropriate  
 397 restrictiveness level but is not bound by any such  
 398 recommendation. The court may order the child's incarceration in  
 399 the juvenile detention center or county jail pending placement  
 400 in the residential commitment program.

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

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



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

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

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

439  
440 It is the intent of the Legislature that the criteria and  
441 guidelines in this subsection are mandatory and that a  
442 determination of disposition under this subsection is subject to

443 the right of the child to appellate review under s. 985.534.

444 Section 4. Subsection (2) of section 985.04, Florida  
 445 Statutes, is amended to read:

446 985.04 Oaths; records; confidential information.—

447 (2) Notwithstanding any other provisions of this chapter,  
 448 the name, photograph, address, and crime or arrest report of a  
 449 child:

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

453 (b) Found by a court to have committed three or more  
 454 violations of law which, if committed by an adult, would be  
 455 misdemeanors;

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

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

460 (d) ~~(e)~~ Transferred to the adult system but sentenced to  
 461 the juvenile system under s. 985.565

462

463 shall not be considered confidential and exempt from s.  
 464 119.07(1) solely because of the child's age.

465 Section 5. Subsection (1) of section 985.556, Florida  
 466 Statutes, is amended to read:

467 985.556 Waiver of juvenile court jurisdiction; hearing.—

468 (1) VOLUNTARY WAIVER.—The court shall transfer and certify

469 a child's criminal case for trial as an adult if the child is  
470 alleged to have committed a violation of law and, before ~~prior~~  
471 ~~to~~ the commencement of an adjudicatory hearing, the child,  
472 joined by a parent or, in the absence of a parent, by the  
473 guardian or guardian ad litem, demands in writing to be tried as  
474 an adult. Once a child has been transferred for criminal  
475 prosecution pursuant to a voluntary waiver hearing and has been  
476 found to have committed the presenting offense or a lesser  
477 included offense, the child shall be handled thereafter in every  
478 respect as an adult for any subsequent violation of state law,  
479 unless the court imposes juvenile sanctions under s.  
480 985.565(4)(d) ~~985.565(4)(b)~~.

481 Section 6. For the purpose of incorporating the amendment  
482 made by this act to section 985.557, Florida Statutes, in a  
483 reference thereto, paragraph (e) of subsection (1) of section  
484 985.15, Florida Statutes, is reenacted to read:

485 985.15 Filing decisions.—

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

495 (e) File an information under s. 985.557;  
 496 Section 7. For the purpose of incorporating the amendment  
 497 made by this act to section 985.557, Florida Statutes, in a  
 498 reference thereto, subsection (5) of section 985.265, Florida  
 499 Statutes, is reenacted to read:

500 985.265 Detention transfer and release; education; adult  
 501 jails.-

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

505 (a) When the child has been transferred or indicted for  
 506 criminal prosecution as an adult under part X, except that the  
 507 court may not order or allow a child alleged to have committed a  
 508 misdemeanor who is being transferred for criminal prosecution  
 509 pursuant to either s. 985.556 or s. 985.557 to be detained or  
 510 held in a jail or other facility intended or used for the  
 511 detention of adults; however, such child may be held temporarily  
 512 in a detention facility; or

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

515  
 516 The child shall be housed separately from adult inmates to  
 517 prohibit a child from having regular contact with incarcerated  
 518 adults, including trustees. "Regular contact" means sight and  
 519 sound contact. Separation of children from adults shall permit  
 520 no more than haphazard or accidental contact. The receiving jail

521 or other facility shall contain a separate section for children  
522 and shall have an adequate staff to supervise and monitor the  
523 child's activities at all times. Supervision and monitoring of  
524 children includes physical observation and documented checks by  
525 jail or receiving facility supervisory personnel at intervals  
526 not to exceed 10 minutes. This subsection does not prohibit  
527 placing two or more children in the same cell. Under no  
528 circumstances shall a child be placed in the same cell with an  
529 adult.

530 Section 8. For the purpose of incorporating the amendment  
531 made by this act to section 985.565, Florida Statutes, in a  
532 reference thereto, subsection (3) of section 985.514, Florida  
533 Statutes, is reenacted to read:

534 985.514 Responsibility for cost of care; fees.—

535 (3) When the court under s. 985.565 orders any child  
536 prosecuted as an adult to be supervised by or committed to the  
537 department for treatment in any of the department's programs for  
538 children, the court shall order the child's parents to pay fees  
539 as provided in s. 985.039.

540 Section 9. For the purpose of incorporating the amendments  
541 made by this act to sections 985.557 and 985.565, Florida  
542 Statutes, in references thereto, subsection (3) and paragraph  
543 (a) of subsection (5) of section 985.556, Florida Statutes, are  
544 reenacted to read:

545 985.556 Waiver of juvenile court jurisdiction; hearing.—

546 (3) INVOLUNTARY MANDATORY WAIVER.—

547 (a) If the child was 14 years of age or older, and if the  
548 child has been previously adjudicated delinquent for an act  
549 classified as a felony, which adjudication was for the  
550 commission of, attempt to commit, or conspiracy to commit  
551 murder, sexual battery, armed or strong-armed robbery,  
552 carjacking, home-invasion robbery, aggravated battery,  
553 aggravated assault, or burglary with an assault or battery, and  
554 the child is currently charged with a second or subsequent  
555 violent crime against a person; or

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

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

572 (5) EFFECT OF ORDER WAIVING JURISDICTION.—

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

579 Section 10. For the purpose of incorporating the amendment  
580 made by this act to section 985.565, Florida Statutes, in a  
581 reference thereto, subsection (3) of section 985.56, Florida  
582 Statutes, is reenacted to read:

583 985.56 Indictment of a juvenile.—

584 (3) If the child is found to have committed the offense  
585 punishable by death or by life imprisonment, the child shall be  
586 sentenced as an adult. If the juvenile is not found to have  
587 committed the indictable offense but is found to have committed  
588 a lesser included offense or any other offense for which he or  
589 she was indicted as a part of the criminal episode, the court  
590 may sentence under s. 985.565.

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