

By Representative Rayson

1                                   A bill to be entitled  
 2           An act relating to juvenile justice; amending  
 3           s. 985.213, F.S.; creating a workgroup to study  
 4           the effectiveness of the risk assessment  
 5           instrument; providing for a report; amending s.  
 6           985.215, F.S.; setting time limits for filing a  
 7           petition for delinquency in certain  
 8           circumstances; providing for extension of time  
 9           limits in specified circumstances; amending s.  
 10          985.219, F.S.; requiring law enforcement  
 11          agencies to act upon subpoenas and serve  
 12          process within a certain time; amending ss.  
 13          985.201, 985.225, F.S.; conforming  
 14          cross-references to changes made by the act;  
 15          providing an effective date.

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

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 19           Section 1. Subsection (5) is added to section 985.213,  
 20 Florida Statutes, 1998 Supplement, to read:

21           985.213 Use of detention.--

22           (5) A risk assessment workgroup is established, to be  
 23 composed of nine members. Members must have direct experience  
 24 and a strong interest in juvenile justice issues. Composition  
 25 of the workgroup shall be as follows: a public defender, a  
 26 state attorney, and a sheriff appointed by their respective  
 27 professional associations; a representative of the Department  
 28 of Juvenile Justice, a juvenile judge, a chairman of a local  
 29 juvenile justice board or county council, and a child advocate  
 30 appointed by the Secretary of Juvenile Justice; a member of  
 31 the Senate appointed by the President of the Senate; and a

1 member of the House of Representatives appointed by the  
2 Speaker of the House of Representatives. The workgroup shall  
3 review the effectiveness of the risk assessment instrument as  
4 a screening device and shall make recommendations to keep,  
5 revise, or eliminate the instrument, based upon its findings.  
6 The workgroup shall report to the Governor, the President of  
7 the Senate, and the Speaker of the House of Representatives  
8 regarding these findings by January 15, 2000. Subject to  
9 specific appropriations, an independent evaluation will be  
10 commissioned by the department to validate the current risk  
11 assessment and make an objective report to the workgroup and  
12 the Legislature. This subsection expires October 1, 2000,  
13 unless reenacted by the Legislature.

14 Section 2. Subsections (5) and (7) of section 985.215,  
15 Florida Statutes, 1998 Supplement, are amended to read:

16 985.215 Detention.--

17 (5)(a) A child may not be placed into or held in  
18 secure, nonsecure, or home detention care for longer than 24  
19 hours unless the court orders such detention care, and the  
20 order includes specific instructions that direct the release  
21 of the child from such detention care, in accordance with  
22 subsection (2). The order shall be a final order, reviewable  
23 by appeal pursuant to s. 985.234 and the Florida Rules of  
24 Appellate Procedure. Appeals of such orders shall take  
25 precedence over other appeals and other pending matters.

26 (b) A child may not be held in secure detention for  
27 more than 5 days unless a petition for delinquency has been  
28 filed or the child is detained for a capital felony, life  
29 felony, felony of the first degree, or violent second-degree  
30 felony. The child shall be arraigned in accordance with  
31 subsection (7).

1            (c)~~(b)~~ A child may not be held in ~~secure, nonsecure,~~  
2 or home detention care under a special detention order for  
3 more than 21 days unless an adjudicatory hearing for the case  
4 has been commenced by the court.

5            (d)~~(c)~~ A child may not be held in secure, nonsecure,  
6 or home detention care for more than 15 days following the  
7 entry of an order of adjudication.

8            (e)~~(d)~~ The time limits in paragraphs (b), and (c), and  
9 (d) do not include periods of delay resulting from a  
10 continuance granted by the court for cause on motion of the  
11 child or his or her counsel or of the state. Before the 21st  
12 day, cause may be automatically found and the time limits for  
13 detention may be automatically extended 9 days if the child is  
14 charged with a capital felony, life felony, or felony of the  
15 first degree, and if the nature of the charge requires  
16 additional time for the prosecution or defense of the case.  
17 Upon the issuance of an order granting a continuance for cause  
18 on a motion by either the child, the child's counsel, or the  
19 state, the court shall conduct a hearing at the end of each  
20 72-hour period, excluding Saturdays, Sundays, and legal  
21 holidays, to determine the need for continued detention of the  
22 child and the need for further continuance of proceedings for  
23 the child or the state.

24            (7)(a) If a child is securely detained, and a petition  
25 for delinquency shall be ~~is~~ filed, and the child shall be  
26 arraigned in accordance with the Florida Rules of Juvenile  
27 Procedure within 21 working days after the initial detention  
28 hearing, except as provided in paragraph (b) ~~48 hours after~~  
29 ~~the filing of the petition for delinquency.~~

30            (b) If a child is detained for a capital felony, life  
31 felony, felony of the first degree, or violent second-degree

1 felony, a petition for delinquency will be filed and the child  
2 shall be arraigned in accordance with the Florida Rules of  
3 Juvenile Procedure within 21 working days after the initial  
4 detention hearing.

5 Section 3. Present subsections (4) through (11) of  
6 section 985.219, Florida Statutes, are renumbered as  
7 subsections (5) through (12), respectively, and a new  
8 subsection (4) is added to that section, to read:

9 985.219 Process and service.--

10 (4) Law enforcement agencies shall act upon subpoenas  
11 received and serve process within 7 days after arraignment.

12 Section 4. Paragraph (b) of subsection (3) of section  
13 985.201, Florida Statutes, is amended to read:

14 985.201 Jurisdiction.--

15 (3)

16 (b) The jurisdiction to be exercised by the court when  
17 a child is taken into custody before the filing of a petition  
18 under s. 985.219(8)~~s. 985.219(7)~~ shall be exercised by the  
19 circuit court for the county in which the child is taken into  
20 custody, which court shall have personal jurisdiction of the  
21 child and the child's parent or legal guardian. Upon the  
22 filing of a petition in the appropriate circuit court, the  
23 court that is exercising initial jurisdiction of the person of  
24 the child shall, if the child has been detained, immediately  
25 order the child to be transferred to the detention center or  
26 facility or other placement as ordered by the court having  
27 subject matter jurisdiction of the case.

28 Section 5. Subsection (1) of section 985.225, Florida  
29 Statutes, is amended to read:

30 985.225 Indictment of a juvenile.--

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1           (1) A child of any age who is charged with a violation  
2 of state law punishable by death or by life imprisonment is  
3 subject to the jurisdiction of the court as set forth in s.  
4 985.219(8)~~s. 985.219(7)~~ unless and until an indictment on the  
5 charge is returned by the grand jury. When such indictment is  
6 returned, the petition for delinquency, if any, must be  
7 dismissed and the child must be tried and handled in every  
8 respect as an adult:

9           (a) On the offense punishable by death or by life  
10 imprisonment; and

11           (b) On all other felonies or misdemeanors charged in  
12 the indictment which are based on the same act or transaction  
13 as the offense punishable by death or by life imprisonment or  
14 on one or more acts or transactions connected with the offense  
15 punishable by death or by life imprisonment.

16           Section 6. This act shall take effect October 1, 1999.

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19           SENATE SUMMARY

20           Creates a workgroup to study the effectiveness of the  
21 risk assessment instrument with respect to detention of  
22 juveniles and to report its findings to the Governor and  
23 the Legislature. Limits the period certain children may  
24 be held in secure detention to 5 days, unless a petition  
25 for delinquency has been filed. Cause for extension will  
26 be automatically found and the extension automatically  
27 granted in specified cases. Requires a petition for  
28 delinquency to be filed within 21 days when the child has  
29 been charged with a capital felony, life felony,  
30 first-degree felony, or violent second-degree felony.  
31 Requires law enforcement agencies to act on subpoenas and  
serve process within 7 days.