

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.; providing for an extension of  
7           detention time limits under certain  
8           circumstances; amending s. 985.219, F.S.;  
9           requiring law enforcement agencies to act upon  
10          subpoenas and serve process within a certain  
11          time; amending ss. 985.201 and 985.225, F.S.;  
12          conforming cross references to changes made by  
13          the act; providing an effective date.

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

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17           Section 1. Subsection (5) is added to section 985.213,  
18 Florida Statutes, to read:

19           985.213 Use of detention.--

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

1 review the effectiveness of the risk assessment instrument as  
2 a screening device and shall make recommendations to keep,  
3 revise, or eliminate the instrument, based upon its findings.  
4 The workgroup shall report to the Governor, the President of  
5 the Senate, and the Speaker of the House of Representatives  
6 regarding these findings by January 15, 2001. Subject to  
7 specific appropriations, an independent evaluation will be  
8 commissioned by the department to validate the current risk  
9 assessment and make an objective report to the workgroup and  
10 the Legislature. This subsection expires October 1, 2001,  
11 unless reenacted by the Legislature.

12 Section 2. Subsection (5) of section 985.215, Florida  
13 Statutes, is amended to read:

14 985.215 Detention.--

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

24 (b) A child may not be held in secure, nonsecure, or  
25 home detention care under a special detention order for more  
26 than 21 days unless an adjudicatory hearing for the case has  
27 been commenced by the court.

28 (c) A child may not be held in secure, nonsecure, or  
29 home detention care for more than 15 days following the entry  
30 of an order of adjudication.

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

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

20           985.219 Process and service.--

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

23           Section 4. Paragraph (b) of subsection (3) of section  
24 985.201, Florida Statutes, is amended to read:

25           985.201 Jurisdiction.--

26           (3)

27           (b) The jurisdiction to be exercised by the court when  
28 a child is taken into custody before the filing of a petition  
29 under s. 985.219 (8) ~~(7)~~ shall be exercised by the circuit court  
30 for the county in which the child is taken into custody, which  
31 court shall have personal jurisdiction of the child and the

1 child's parent or legal guardian. Upon the filing of a  
2 petition in the appropriate circuit court, the court that is  
3 exercising initial jurisdiction of the person of the child  
4 shall, if the child has been detained, immediately order the  
5 child to be transferred to the detention center or facility or  
6 other placement as ordered by the court having subject matter  
7 jurisdiction of the case.

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

10 985.225 Indictment of a juvenile.--

11 (1) A child of any age who is charged with a violation  
12 of state law punishable by death or by life imprisonment is  
13 subject to the jurisdiction of the court as set forth in s.  
14 985.219(8)~~(7)~~unless and until an indictment on the charge is  
15 returned by the grand jury. When such indictment is returned,  
16 the petition for delinquency, if any, must be dismissed and  
17 the child must be tried and handled in every respect as an  
18 adult:

19 (a) On the offense punishable by death or by life  
20 imprisonment; and

21 (b) On all other felonies or misdemeanors charged in  
22 the indictment which are based on the same act or transaction  
23 as the offense punishable by death or by life imprisonment or  
24 on one or more acts or transactions connected with the offense  
25 punishable by death or by life imprisonment.

26 Section 6. This act shall take effect October 1, 2000.  
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HOUSE SUMMARY

Creates a workgroup to study the effectiveness of the risk assessment instrument with respect to detention of juveniles and to report its findings to the Governor and the Legislature. Cause for extension of detention will be automatically found and the extension automatically granted in specified cases. Requires a petition for delinquency to be filed within 21 days when the child has been charged with a capital felony, life felony, first-degree felony, or violent second-degree felony. Requires law enforcement agencies to act on subpoenas and serve process within 7 days.