



1 offenses of certain severity; deleting  
2 references to assignment centers; amending s.  
3 985.216, F.S.; prescribing punishment for  
4 contempt of court by a delinquent child or a  
5 child in need of services; amending s. 985.219,  
6 F.S.; requiring law enforcement agencies to act  
7 upon subpoenas and serve process within a  
8 certain time; amending s. 985.231, F.S., to  
9 conform; amending s. 985.233, F.S.; revising  
10 conditions under which adult sanctions may be  
11 imposed; providing an effective date.

12

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

14

15 Section 1. Section 784.075, Florida Statutes, is  
16 amended to read:

17 784.075 Battery on detention or commitment facility  
18 staff or a juvenile probation officer.--A person who commits a  
19 battery on a juvenile probation officer, as defined in s.  
20 984.03 or s. 985.03, on other staff of a detention center or  
21 facility as defined in s. 984.03(19)or s. 985.03(20), or on a  
22 staff member of a commitment facility as defined in s.  
23 985.03(47), commits a felony of the third degree, punishable  
24 as provided in s. 775.082, s. 775.083, or s. 775.084. For  
25 purposes of this section, a staff member of the facilities  
26 listed includes persons employed by the Department of Juvenile  
27 Justice, persons employed at facilities licensed by the  
28 Department of Juvenile Justice, and persons employed at  
29 facilities operated under a contract with the Department of  
30 Juvenile Justice.

31

1           Section 2. Subsections (2) through (7) of section  
2 984.225, Florida Statutes, are renumbered as subsections (3)  
3 through (8), respectively, and subsection (1) of said section  
4 is amended to read:

5           984.225 Powers of disposition; placement in a  
6 staff-secure shelter.--

7           (1) Subject to specific legislative appropriation, the  
8 court may order that a child adjudicated as a child in need of  
9 services be placed for up to 90 days in a staff-secure shelter  
10 if:

11           (a) The child's parent, guardian, or legal custodian  
12 refuses to provide food, clothing, shelter, and necessary  
13 parental support for the child and the refusal is a direct  
14 result of an established pattern of significant disruptive  
15 behavior of the child in the home of the parent, guardian, or  
16 legal custodian; ~~or~~

17           (b) The child refuses to remain under the reasonable  
18 care and custody of his or her parent, guardian, or legal  
19 custodian, as evidenced by repeatedly running away and failing  
20 to comply with a court order; or from home. ~~The court may not~~  
21 ~~order that a child be placed in a staff-secure facility~~  
22 ~~unless:~~

23           ~~(c)1.~~ (c)1. The child has failed to successfully complete an  
24 alternative treatment program or to comply with a  
25 court-ordered sanction~~and~~

26           ~~2.~~ the child has been placed in a residential program  
27 on at least one prior occasion pursuant to a court order under  
28 this chapter.

29           (2) This section ~~subsection~~ applies after other  
30 alternative, less-restrictive remedies have been exhausted.  
31 The court may order that a child be placed in a staff-secure

1 shelter. The department, or an authorized representative of  
2 the department, must verify to the court that a bed is  
3 available for the child. If the department or an authorized  
4 representative of the department verifies that a bed is not  
5 available, ~~the court shall stay the placement until a bed is~~  
6 ~~available.~~ The department will place the child's name on a  
7 waiting list. The child who has been on the waiting list the  
8 longest will get the next available bed.

9 Section 3. Paragraph (b) of subsection (4) of section  
10 985.201, Florida Statutes, is amended to read:

11 985.201 Jurisdiction.--

12 (4)

13 (b)1. The court may retain jurisdiction over a child  
14 committed to the department for placement in a high-risk or  
15 maximum-risk residential commitment program to allow the child  
16 to participate in a juvenile conditional release program  
17 pursuant to s. 985.316. In no case shall the jurisdiction of  
18 the court be retained beyond the child's 22nd birthday.  
19 However, if the child is not successful in the conditional  
20 release program, the department may use the transfer procedure  
21 under s. 985.404.

22 2. The court may retain jurisdiction over a child  
23 committed to the department for placement in an intensive  
24 residential treatment program for 10-year-old to 13-year-old  
25 offenders, in the residential commitment program in a juvenile  
26 prison, in a residential sex offender program, or in a program  
27 for serious or habitual juvenile offenders as provided in s.  
28 985.311 or s. 985.31 until the child reaches the age of 21. If  
29 the court exercises this jurisdiction retention, it shall do  
30 so solely for the purpose of the child completing the  
31 intensive residential treatment program for 10-year-old to

1 13-year-old offenders, in the residential commitment program  
2 in a juvenile prison, in a residential sex offender program,  
3 or the program for serious or habitual juvenile offenders.  
4 Such jurisdiction retention does not apply for other programs,  
5 other purposes, or new offenses.

6 Section 4. Paragraphs (c) and (d) of subsection (1) of  
7 section 985.207, Florida Statutes, are amended to read:

8 985.207 Taking a child into custody.--

9 (1) A child may be taken into custody under the  
10 following circumstances:

11 (c) By a law enforcement officer or an authorized  
12 agent of the department for failing to appear at a court  
13 hearing after being properly noticed.

14 (d) By a law enforcement officer or an authorized  
15 agent of the department who has probable cause to believe that  
16 the child is in violation of the conditions of the child's  
17 community control, home detention, postcommitment community  
18 control, or aftercare supervision or has absconded from  
19 commitment.

20  
21 Nothing in this subsection shall be construed to allow the  
22 detention of a child who does not meet the detention criteria  
23 in s. 985.215.

24 Section 5. Subsection (3) and paragraph (a) of  
25 subsection (6) of section 985.211, Florida Statutes, are  
26 amended to read:

27 985.211 Release or delivery from custody.--

28 (3) If the child is released, the person taking the  
29 child into custody shall make a written report or probable  
30 cause affidavit to the appropriate juvenile probation officer  
31 within 24 hours after such release ~~3 days~~, stating the facts

1 and the reason for taking the child into custody. Such  
2 written report or probable cause affidavit shall:

3 (a) Identify the child, the parents, guardian, or  
4 legal custodian, and the person to whom the child was  
5 released.

6 (b) Contain sufficient information to establish the  
7 jurisdiction of the court and to make a prima facie showing  
8 that the child has committed a violation of law or a  
9 delinquent act.

10 (6)(a) A copy of the probable cause affidavit or  
11 written report made by the person taking the child into  
12 custody ~~a law enforcement agency~~ shall be filed, by the law  
13 enforcement agency which employs the person making such  
14 affidavit or written report, with the clerk of the circuit  
15 court for the county in which the child is taken into custody  
16 or in which the affidavit or report is made within 24 hours  
17 ~~after the child is taken into custody and detained, within 1~~  
18 ~~week after the child is taken into custody and released, or~~  
19 ~~within 1 week~~ after the affidavit or report is made, excluding  
20 Saturdays, Sundays, and legal holidays. Such affidavit or  
21 report is a case for the purpose of assigning a uniform case  
22 number pursuant to this subsection.

23 Section 6. Paragraph (b) of subsection (2) of section  
24 985.213, Florida Statutes, is amended to read:

25 985.213 Use of detention.--

26 (2)(b)1. The risk assessment instrument for detention  
27 care placement determinations and orders shall be developed by  
28 the Department of Juvenile Justice in agreement with  
29 representatives appointed by the following associations: the  
30 Conference of Circuit Judges of Florida, the Prosecuting  
31 Attorneys Association, ~~and~~ the Public Defenders Association,

1 the Florida Sheriffs Association, and the Florida Association  
2 of Chiefs of Police. Each association shall appoint two  
3 individuals, one representing an urban area and one  
4 representing a rural area. The parties involved shall  
5 evaluate and revise the risk assessment instrument as is  
6 considered necessary using the method for revision as agreed  
7 by the parties. The risk assessment instrument shall take into  
8 consideration, but need not be limited to, prior history of  
9 failure to appear, prior offenses, offenses committed pending  
10 adjudication, any unlawful possession of a firearm, theft of a  
11 motor vehicle or possession of a stolen motor vehicle, and  
12 community control status at the time the child is taken into  
13 custody. The risk assessment instrument shall also take into  
14 consideration appropriate aggravating and mitigating  
15 circumstances, and shall be designed to target a narrower  
16 population of children than s. 985.215(2). The risk assessment  
17 instrument shall also include any information concerning the  
18 child's history of abuse and neglect. The risk assessment  
19 shall indicate whether detention care is warranted, and, if  
20 detention care is warranted, whether the child should be  
21 placed into secure, nonsecure, or home detention care.

22         2. If, at the detention hearing, the court finds a  
23 material error in the scoring of the risk assessment  
24 instrument, the court may amend the score to reflect factual  
25 accuracy.

26         3. A child who is charged with committing an offense  
27 of domestic violence as defined in s. 741.28(1) and who does  
28 not meet detention criteria may be held in secure detention if  
29 the court makes specific written findings that:

30             ~~a. The offense of domestic violence which the child is~~  
31 ~~charged with committing caused physical injury to the victim;~~

1           ~~a.b.~~ Respite care for the child is not available; and  
2           ~~b.c.~~ It is necessary to place the child in secure  
3 detention in order to protect the victim from ~~further~~ injury.

4  
5 The child may not be held in secure detention under this  
6 subparagraph for more than 48 hours unless ordered by the  
7 court. After 48 hours, the court shall hold a hearing if the  
8 state attorney or victim requests that secure detention be  
9 continued. The child may continue to be held in ~~secure~~  
10 detention care if the court makes a specific, written finding  
11 that ~~secure~~ detention care is necessary to protect the victim  
12 from ~~further~~ injury. However, the child may not be held in  
13 ~~secure~~ detention care beyond the time limits set forth in s.  
14 985.215.

15           4. For a child who is currently under the supervision  
16 of the department through community control, home detention,  
17 nonsecure detention, aftercare, postcommitment community  
18 control, or commitment and who is charged with committing a  
19 new offense, the risk assessment instrument may be completed  
20 and scored based on the underlying charge for which the child  
21 was placed under the supervision of the department and the new  
22 offense.

23           Section 7. Paragraphs (i) and (j) are added to  
24 subsection (2) of section 985.215, Florida Statutes, and  
25 subsection (5) and paragraphs (a) and (d) of subsection (10)  
26 of said section are amended, to read:

27           985.215 Detention.--

28           (2) Subject to the provisions of subsection (1), a  
29 child taken into custody and placed into nonsecure or home  
30 detention care or detained in secure detention care prior to a  
31 detention hearing may continue to be detained by the court if:



1       (i) The child is detained on a judicial order for  
2 failure to appear and has previously willfully failed to  
3 appear, after proper notice, for an adjudicatory hearing on  
4 the same case regardless of the results of the risk assessment  
5 instrument. A child may be held in secure detention for up to  
6 72 hours in advance of the next scheduled court hearing  
7 pursuant to this paragraph. The child's failure to keep the  
8 clerk of court and defense counsel informed of a current and  
9 valid mailing address where the child will receive notice to  
10 appear at court proceedings does not provide an adequate  
11 ground for excusal of the child's nonappearance at the  
12 hearings.

13       (j) The child is detained on a judicial order for  
14 failure to appear and has previously willfully failed to  
15 appear, after proper notice, at two or more court hearings of  
16 any nature on the same case regardless of the results of the  
17 risk assessment instrument. A child may be held in secure  
18 detention for up to 72 hours in advance of the next scheduled  
19 court hearing pursuant to this paragraph. The child's failure  
20 to keep the clerk of court and defense counsel informed of a  
21 current and valid mailing address where the child will receive  
22 notice to appear at court proceedings does not provide an  
23 adequate ground for excusal of the child's nonappearance at  
24 the hearings.

25  
26 A child who meets any of these criteria and who is ordered to  
27 be detained pursuant to this subsection shall be given a  
28 hearing within 24 hours after being taken into custody. The  
29 purpose of the detention hearing is to determine the existence  
30 of probable cause that the child has committed the delinquent  
31 act or violation of law with which he or she is charged and

1 the need for continued detention. Unless a child is detained  
2 under paragraph (d) or paragraph (e), the court shall utilize  
3 the results of the risk assessment performed by the juvenile  
4 probation officer and, based on the criteria in this  
5 subsection, shall determine the need for continued detention.  
6 A child placed into secure, nonsecure, or home detention care  
7 may continue to be so detained by the court pursuant to this  
8 subsection. If the court orders a placement more restrictive  
9 than indicated by the results of the risk assessment  
10 instrument, the court shall state, in writing, clear and  
11 convincing reasons for such placement. Except as provided in  
12 s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b),  
13 paragraph (10)(c), or paragraph (10)(d), when a child is  
14 placed into secure or nonsecure detention care, or into a  
15 respite home or other placement pursuant to a court order  
16 following a hearing, the court order must include specific  
17 instructions that direct the release of the child from such  
18 placement no later than 5 p.m. on the last day of the  
19 detention period specified in paragraph (5)(b) or paragraph  
20 (5)(c), or subparagraph (10)(a)1., whichever is applicable,  
21 unless the requirements of such applicable provision have been  
22 met or an order of continuance has been granted pursuant to  
23 paragraph (5)(d).

24 (5)(a) A child may not be placed into or held in  
25 secure, nonsecure, or home detention care for longer than 24  
26 hours unless the court orders such detention care, and the  
27 order includes specific instructions that direct the release  
28 of the child from such detention care, in accordance with  
29 subsection (2). The order shall be a final order, reviewable  
30 by appeal pursuant to s. 985.234 and the Florida Rules of  
31

1 Appellate Procedure. Appeals of such orders shall take  
2 precedence over other appeals and other pending matters.  
3 (b) The arresting law enforcement agency shall  
4 complete and present its investigation of an offense under  
5 this subsection to the appropriate state attorney's office  
6 within 8 days after placement of the child in secure  
7 detention. The investigation shall include, but is not limited  
8 to, police reports and supplemental police reports, witness  
9 statements, and evidence collection documents. The failure of  
10 a law enforcement agency to complete and present its  
11 investigation within 8 days shall not entitle a juvenile to be  
12 released from secure detention or to a dismissal of any  
13 charges.  
14 (c)~~(b)~~ Except as provided in paragraph (f), a child  
15 may not be held in secure, nonsecure, or home detention care  
16 under a special detention order for more than 21 days unless  
17 an adjudicatory hearing for the case has been commenced in  
18 good faith by the court.  
19 (d)~~(c)~~ Except as provided in paragraph (f), a child  
20 may not be held in secure, nonsecure, or home detention care  
21 for more than 15 days following the entry of an order of  
22 adjudication.  
23 (e)~~(d)~~ The time limits in paragraphs (c) and (d)~~(b)~~  
24 ~~and (c)~~ do not include periods of delay resulting from a  
25 continuance granted by the court for cause on motion of the  
26 child or his or her counsel or of the state. Upon the issuance  
27 of an order granting a continuance for cause on a motion by  
28 either the child, the child's counsel, or the state, the court  
29 shall conduct a hearing at the end of each 72-hour period,  
30 excluding Saturdays, Sundays, and legal holidays, to determine  
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1 the need for continued detention of the child and the need for  
2 further continuance of proceedings for the child or the state.

3 (f) Upon good cause being shown that the nature of the  
4 charge requires additional time for the prosecution or defense  
5 of the case, the court may extend the time limits for  
6 detention specified in paragraph (c) an additional 9 days if  
7 the child is charged with an offense that would be, if  
8 committed by an adult, a capital felony, a life felony, a  
9 felony of the first degree, or a felony of the second degree  
10 involving violence against any individual.

11 (10)(a)1. When a child is committed to the Department  
12 of Juvenile Justice awaiting dispositional placement, removal  
13 of the child from detention care shall occur within 5 days,  
14 excluding Saturdays, Sundays, and legal holidays. Any child  
15 held in secure detention during the 5 days must meet detention  
16 admission criteria pursuant to this section. If the child is  
17 committed to a moderate-risk residential program, the  
18 department may seek an order from the court authorizing  
19 continued detention for a specific period of time necessary  
20 for the appropriate residential placement of the child.  
21 However, such continued detention in secure detention care may  
22 not exceed 15 days after commitment, excluding Saturdays,  
23 Sundays, and legal holidays, and except as otherwise provided  
24 in this subsection.

25 2. The court must place all children who are  
26 adjudicated and awaiting placement in a residential commitment  
27 program in detention care. Children who are in home detention  
28 care or nonsecure detention care may be placed on electronic  
29 monitoring. ~~A child committed to a moderate-risk residential~~  
30 ~~program may be held in a juvenile assignment center pursuant~~  
31 ~~to s. 985.307 until placement or commitment is accomplished.~~

1 (d) If the child is committed to a maximum-risk  
2 residential program, the child must be held in detention care  
3 ~~or in an assignment center pursuant to s. 985.307~~ until  
4 placement or commitment is accomplished.

5 Section 8. Subsection (2) of section 985.216, Florida  
6 Statutes, is amended to read:

7 985.216 Punishment for contempt of court; alternative  
8 sanctions.--

9 (2) PLACEMENT IN A SECURE FACILITY.--A child may be  
10 placed in a secure facility for purposes of punishment for  
11 contempt of court if alternative sanctions are unavailable or  
12 inappropriate, or if the child has already been ordered to  
13 serve an alternative sanction but failed to comply with the  
14 sanction.

15 (a) A delinquent child who has been held in direct or  
16 indirect contempt may be placed in a secure detention facility  
17 not to exceed for 5 days for a first offense and not to exceed  
18 ~~or 15 days~~ for a second or subsequent offense.

19 (b) A child in need of services who has been held in  
20 direct contempt or indirect contempt may be placed, not to  
21 exceed for 5 days for a first offense and not to exceed ~~or 15~~  
22 days for a second or subsequent offense, in a staff-secure  
23 shelter or a staff-secure residential facility solely for  
24 children in need of services if such placement is available,  
25 or, if such placement is not available, the child may be  
26 placed in an appropriate mental health facility or substance  
27 abuse facility for assessment. In addition to disposition  
28 under this paragraph, a child in need of services who is held  
29 in direct contempt or indirect contempt may be placed in a  
30 physically secure facility as provided under s. 984.226 if  
31 conditions of eligibility are met.

1           Section 9. Present subsections (4) through (11) of  
2 section 985.219, Florida Statutes, are renumbered as  
3 subsections (5) through (12), respectively, and a new  
4 subsection (4) is added to that section, to read:

5           985.219 Process and service.--

6           (4) Law enforcement agencies shall act upon subpoenas  
7 received and serve process within 7 days after arraignment or  
8 as soon thereafter as is possible, except that no service  
9 shall be made on Sundays.

10          Section 10. Paragraph (d) of subsection (1) of section  
11 985.231, Florida Statutes, is amended to read:

12          985.231 Powers of disposition in delinquency cases.--

13          (1)

14          (d) Any commitment of a delinquent child to the  
15 Department of Juvenile Justice must be for an indeterminate  
16 period of time, which may include periods of temporary  
17 release, but the time may not exceed the maximum term of  
18 imprisonment that an adult may serve for the same offense. Any  
19 temporary release for a period greater than 3 days must be  
20 approved by the court. Any child so committed may be  
21 discharged from institutional confinement or a program upon  
22 the direction of the department with the concurrence of the  
23 court. Notwithstanding s. 743.07 and this subsection, and  
24 except as provided in ~~ss. s~~985.31 and 985.201, a child may  
25 not be held under a commitment from a court pursuant to this  
26 section after becoming 21 years of age. The department shall  
27 give the court that committed the child to the department  
28 reasonable notice, in writing, of its desire to discharge the  
29 child from a commitment facility. The court that committed the  
30 child may thereafter accept or reject the request. If the  
31 court does not respond within 10 days after receipt of the

1 notice, the request of the department shall be deemed granted.  
2 This section does not limit the department's authority to  
3 revoke a child's temporary release status and return the child  
4 to a commitment facility for any violation of the terms and  
5 conditions of the temporary release.

6 Section 11. Paragraph (c) of subsection (4) of section  
7 985.233, Florida Statutes, is amended to read:

8 985.233 Sentencing powers; procedures; alternatives  
9 for juveniles prosecuted as adults.--

10 (4) SENTENCING ALTERNATIVES.--

11 (c) Imposition of adult sanctions upon failure of  
12 juvenile sanctions.--If a child proves not to be suitable to a  
13 commitment program, community control program, or for a  
14 treatment program under the provisions of paragraph (b)  
15 subparagraph (b)2., the department shall provide the  
16 sentencing court with a written report outlining the basis for  
17 its objections to the juvenile sanction and shall  
18 simultaneously provide a copy of the report to the state  
19 attorney and the defense counsel. The department shall  
20 schedule a hearing within 30 days. Upon hearing, the court  
21 may revoke the previous adjudication, impose an adjudication  
22 of guilt, ~~classify the child as a youthful offender when~~  
23 appropriate, and impose any sentence which it may lawfully  
24 impose, giving credit for all time spent by the child in the  
25 department. The court may also classify the child as a  
26 youthful offender pursuant to s. 958.04, if appropriate. For  
27 purposes of this paragraph, a child may be found not suitable  
28 to a commitment program, community control program, or  
29 treatment program under the provisions of paragraph (b) if the  
30 child commits a new violation of law while under juvenile  
31 sanctions, if the child commits any other violation of the

1 conditions of juvenile sanctions, or if the child's actions  
2 are otherwise determined by the court to demonstrate a failure  
3 of juvenile sanctions.

4  
5 It is the intent of the Legislature that the criteria and  
6 guidelines in this subsection are mandatory and that a  
7 determination of disposition under this subsection is subject  
8 to the right of the child to appellate review under s.  
9 985.234.

10 Section 12. This act shall take effect upon becoming a  
11 law.

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