

By Senator Miller

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A bill to be entitled
An act relating to contempt of court by a minor
for failure to appear; amending ss. 985.213,
985.216, F.S.; providing that a minor child who
willfully fails to appear before a court or
judicial officer as required by written notice
commits contempt of court; providing penalties;
providing an effective date.

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

Section 1. Subsection (1) of section 985.213, Florida
Statutes, is amended to read:

985.213 Use of detention.--

(1) All determinations and court orders regarding the
use of secure, nonsecure, or home detention shall be based
primarily upon findings that the child:

(a) Presents a substantial risk of not appearing at a
subsequent hearing;

(b) Presents a substantial risk of inflicting bodily
harm on others as evidenced by recent behavior;

(c) Presents a history of committing a property
offense prior to adjudication, disposition, or placement;

(d) Has committed contempt of court by:

1. Intentionally disrupting the administration of the
court;

2. Intentionally disobeying a court order; ~~or~~

3. Engaging in a punishable act or speech in the
court's presence which shows disrespect for the authority and
dignity of the court; or

1 4. Willfully failing to appear before any court or
2 judicial officer as required; or

3 (e) Requests protection from imminent bodily harm.

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

6 985.216 Punishment for contempt of court; alternative
7 sanctions.--

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

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

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

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1 (c) A child who willfully fails to appear before any
2 court or judicial officer as required by written notice
3 commits contempt of court. Upon a finding by the court, after
4 notice and a hearing, that a child is in contempt of court for
5 willful failure to appear pursuant to a valid notice to
6 appear, the court may:

7 1. For a first offense, order the child to serve up to
8 5 days in a secure detention facility.

9 2. For a second offense, order the child to serve up
10 to 12 days in a secure detention facility.

11 3. For a third or subsequent offense, order the child
12 to serve up to 27 days in a secure detention facility.

13 Section 3. This act shall take effect July 1, 2002.

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16 SENATE SUMMARY

17 Provides that it is contempt of court for a minor child
18 to willfully fail to appear as required by written notice
19 before a court or judicial officer. Authorizes the court
20 to order that a minor serve up to 5 days in secure
21 detention for a first offense, up to 12 days in secure
22 detention for a second offense, and up to 27 days in
23 secure detention for a third or subsequent offense.
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