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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Criminal and Civil Justice)

A bill to be entitled

An act relating to juvenile justice; amending s. 382.0255, F.S.; requiring the Department of Health to waive fees for a birth certificate issued to certain juvenile offenders; amending s. 985.25, F.S.; revising terminology; requiring that a child who meets specified criteria be placed in secure detention care until the child's detention hearing; amending s. 985.255, F.S.; revising terminology; providing an additional circumstance under which the court may order continued detention; providing criteria for a child to be a prolific juvenile offender; defining the term "arrest event"; specifying certain information and criteria that may be considered by a court only when determining whether a prolific juvenile offender should be held in secure detention; conforming provisions to changes made by the act; amending s. 985.26, F.S.; revising terminology; requiring the court to place a prolific juvenile offender in certain detention care under a special detention order until disposition; specifying time limitations for secure detention for a prolific juvenile offender; defining the term "disposition"; providing for the tolling of nonsecure detention care for an alleged violation of such detention care; providing for the retention of jurisdiction by the court over a child during the tolling period; revising the calculation of detention



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28 care days served if a child violates nonsecure
29 detention care; amending s. 985.265, F.S.; revising
30 terminology; amending s. 985.27, F.S.; requiring
31 secure detention for all children awaiting placement
32 in a residential commitment program until the
33 placement or commitment is accomplished; deleting
34 provisions specifying the maximum number of days a
35 child may be placed in secure detention under certain
36 circumstances; amending s. 985.35, F.S.; requiring the
37 adjudicatory hearing for a child who is a prolific
38 juvenile offender to be held within a specified period
39 unless such child requests a delay; amending s.
40 985.514, F.S.; revising terminology; reenacting s.
41 790.22(8), F.S., relating to secure detention for
42 minors charged with an offense involving BB guns, air
43 or gas-operated guns, or electric weapons or devices,
44 to incorporate the amendments made by the act to ss.
45 985.25, 985.255, and 985.26, F.S., in references
46 thereto; reenacting s. 985.115(2), F.S., relating to
47 release or delivery from custody, to incorporate the
48 amendments made by the act to ss. 985.255 and 985.26,
49 F.S., in references thereto; reenacting s. 985.13(2),
50 F.S., relating to probable cause affidavits, to
51 incorporate the amendments made by the act to ss.
52 985.255 and 985.26, F.S., in references thereto;
53 reenacting s. 985.245(2)(b), F.S., relating to risk
54 assessment instruments, to incorporate the amendment
55 made by this act to s. 985.255, F.S., in a reference
56 thereto; reenacting s. 985.255(2), F.S., relating to



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57 detention criteria and hearings, to incorporate the
58 amendment made by this act to s. 985.26, F.S., in a
59 reference thereto; reenacting s. 985.275(1), F.S.,
60 relating to detention of an escapee or absconder, to
61 incorporate the amendment made by this act to s.
62 985.255, F.S., in a reference thereto; reenacting s.
63 985.319(6), F.S., relating to process and service, to
64 incorporate the amendment made by this act to s.
65 985.255, F.S., in a reference thereto; providing an
66 appropriation; providing an effective date.

67
68 Be It Enacted by the Legislature of the State of Florida:

69
70 Section 1. Subsection (3) of section 382.0255, Florida
71 Statutes, is amended to read:

72 382.0255 Fees.—

73 (3) Fees shall be established by rule. However, until rules
74 are adopted, the fees assessed pursuant to this section shall be
75 the minimum fees cited. The fees established by rule must be
76 sufficient to meet the cost of providing the service. All fees
77 shall be paid by the person requesting the record, are due and
78 payable at the time services are requested, and are
79 nonrefundable, except that, when a search is conducted and no
80 vital record is found, any fees paid for additional certified
81 copies shall be refunded. The department may waive all or part
82 of the fees required under this section for any government
83 entity. The department shall waive all fees required under this
84 section for a certified copy of a birth certificate issued for
85 purposes of an inmate acquiring a state identification card



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86 before release pursuant to s. 944.605(7) and for a juvenile
87 offender who is in the custody or under the supervision of the
88 Department of Juvenile Justice and receiving services under s.
89 985.461.

90 Section 2. Subsection (1) of section 985.25, Florida
91 Statutes, is amended to read:

92 985.25 Detention intake.—

93 (1) The department shall receive custody of a child who has
94 been taken into custody from the law enforcement agency or court
95 and shall review the facts in the law enforcement report or
96 probable cause affidavit and make such further inquiry as may be
97 necessary to determine whether detention care is appropriate.

98 (a) During the period of time from the taking of the child
99 into custody to the date of the detention hearing, the initial
100 decision as to the child's placement into ~~secure or nonsecure~~
101 detention care shall be made by the department under ss. 985.24
102 and 985.245(1).

103 (b) The department shall base the decision whether to place
104 the child into ~~secure or nonsecure~~ detention care on an
105 assessment of risk in accordance with the risk assessment
106 instrument and procedures developed by the department under s.
107 985.245, except that. However, a child shall be placed in secure
108 detention care until the child's detention hearing if the child
109 meets the criteria specified in s. 985.255(1)(j), is charged
110 with possessing or discharging a firearm on school property in
111 violation of s. 790.115, or shall be placed in secure detention
112 care. A child who has been taken into custody on three or more
113 separate occasions within a 60-day period shall be placed in
114 secure detention care until the child's detention hearing.



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115 (c) If the final score on the child's risk assessment
116 instrument indicates detention care is appropriate, but the
117 department otherwise determines the child should be released,
118 the department shall contact the state attorney, who may
119 authorize release.

120 (d) If the final score on the risk assessment instrument
121 indicates detention is not appropriate, the child may be
122 released by the department in accordance with ss. 985.115 and
123 985.13.

124

125 Under no circumstances shall the department or the state
126 attorney or law enforcement officer authorize the detention of
127 any child in a jail or other facility intended or used for the
128 detention of adults, without an order of the court.

129 Section 3. Subsections (1) and (3) of section 985.255,
130 Florida Statutes, are amended to read:

131 985.255 Detention criteria; detention hearing.—

132 (1) Subject to s. 985.25(1), a child taken into custody and
133 placed into ~~secure or nonsecure~~ detention care shall be given a
134 hearing within 24 hours after being taken into custody. At the
135 hearing, the court may order continued detention if:

136 (a) The child is alleged to be an escapee from a
137 residential commitment program; or an absconder from a
138 nonresidential commitment program, a probation program, or
139 conditional release supervision; or is alleged to have escaped
140 while being lawfully transported to or from a residential
141 commitment program.

142 (b) The child is wanted in another jurisdiction for an
143 offense which, if committed by an adult, would be a felony.



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144 (c) The child is charged with a delinquent act or violation
145 of law and requests in writing through legal counsel to be
146 detained for protection from an imminent physical threat to his
147 or her personal safety.

148 (d) The child is charged with committing an offense of
149 domestic violence as defined in s. 741.28 and is detained as
150 provided in subsection (2).

151 (e) The child is charged with possession of or discharging
152 a firearm on school property in violation of s. 790.115 or the
153 illegal possession of a firearm.

154 (f) The child is charged with a capital felony, a life
155 felony, a felony of the first degree, a felony of the second
156 degree that does not involve a violation of chapter 893, or a
157 felony of the third degree that is also a crime of violence,
158 including any such offense involving the use or possession of a
159 firearm.

160 (g) The child is charged with any second degree or third
161 degree felony involving a violation of chapter 893 or any third
162 degree felony that is not also a crime of violence, and the
163 child:

- 164 1. Has a record of failure to appear at court hearings
165 after being properly notified in accordance with the Rules of
166 Juvenile Procedure;
- 167 2. Has a record of law violations prior to court hearings;
- 168 3. Has already been detained or has been released and is
169 awaiting final disposition of the case;
- 170 4. Has a record of violent conduct resulting in physical
171 injury to others; or
- 172 5. Is found to have been in possession of a firearm.



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173 (h) The child is alleged to have violated the conditions of
174 the child's probation or conditional release supervision.
175 However, a child detained under this paragraph may be held only
176 in a consequence unit as provided in s. 985.439. If a
177 consequence unit is not available, the child shall be placed on
178 nonsecure detention with electronic monitoring.

179 (i) The child is detained on a judicial order for failure
180 to appear and has previously willfully failed to appear, after
181 proper notice:

182 1. For an adjudicatory hearing on the same case regardless
183 of the results of the risk assessment instrument; or

184 2. At two or more court hearings of any nature on the same
185 case regardless of the results of the risk assessment
186 instrument.

187
188 A child may be held in secure detention for up to 72 hours in
189 advance of the next scheduled court hearing pursuant to this
190 paragraph. The child's failure to keep the clerk of court and
191 defense counsel informed of a current and valid mailing address
192 where the child will receive notice to appear at court
193 proceedings does not provide an adequate ground for excusal of
194 the child's nonappearance at the hearings.

195 (j) The child is a prolific juvenile offender. A child is a
196 prolific juvenile offender if the child:

197 1. Is charged with a delinquent act that would be a felony
198 if committed by an adult;

199 2. Has been adjudicated or had adjudication withheld for a
200 felony offense, or a delinquent act that would be a felony if
201 committed by an adult, before the charge under subparagraph 1.;



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202 and

203 3. In addition to meeting the requirements of subparagraphs
204 1. and 2., has five or more of any of the following, at least
205 three of which must have been for felony offenses or delinquent
206 acts that would have been felonies if committed by an adult:

207 a. An arrest event for which a disposition, as defined in
208 s. 985.26, has not been entered;

209 b. An adjudication; or

210 c. An adjudication withheld.

211
212 As used in this subparagraph, the term "arrest event" means an
213 arrest or referral for one or more criminal offenses or
214 delinquent acts arising out of the same episode, act, or
215 transaction.

216 (3) (a) The purpose of the detention hearing required under
217 subsection (1) is to determine the existence of probable cause
218 that the child has committed the delinquent act or violation of
219 law that he or she is charged with and the need for continued
220 detention. Unless a child is detained under paragraph (1) (d) or
221 paragraph (1) (e), the court shall use the results of the risk
222 assessment performed by the department and, based on the
223 criteria in subsection (1), shall determine the need for
224 continued detention. If a child is a prolific juvenile offender
225 who is detained under s. 985.26(2) (c), the court shall use the
226 results of the risk assessment performed by the department and
227 the criteria in subsection (1) or subsection (2) only to
228 determine whether the prolific juvenile offender should be held
229 in secure detention.

230 (b) If the court orders a placement more restrictive than



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231 indicated by the results of the risk assessment instrument, the
232 court shall state, in writing, clear and convincing reasons for
233 such placement.

234 (c) Except as provided in s. 790.22(8) or ~~in~~ s. 985.27,
235 when a child is placed into ~~secure or nonsecure~~ detention care,
236 or into a respite home or other placement pursuant to a court
237 order following a hearing, the court order must include specific
238 instructions that direct the release of the child from such
239 placement no later than 5 p.m. on the last day of the detention
240 period specified in s. 985.26 or s. 985.27, whichever is
241 applicable, unless the requirements of such applicable provision
242 have been met or an order of continuance has been granted under
243 s. 985.26(4). If the court order does not include a release
244 date, the release date shall be requested from the court on the
245 same date that the child is placed in detention care. If a
246 subsequent hearing is needed to provide additional information
247 to the court for safety planning, the initial order placing the
248 child in detention care shall reflect the next detention review
249 hearing, which shall be held within 3 calendar days after the
250 child's initial detention placement.

251 Section 4. Subsections (1) through (4) of section 985.26,
252 Florida Statutes, are amended to read:

253 985.26 Length of detention.—

254 (1) A child may not be placed into or held in ~~secure or~~
255 ~~nonsecure~~ detention care for longer than 24 hours unless the
256 court orders such detention care, and the order includes
257 specific instructions that direct the release of the child from
258 such detention care, in accordance with s. 985.255. The order
259 shall be a final order, reviewable by appeal under s. 985.534



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260 and the Florida Rules of Appellate Procedure. Appeals of such
261 orders shall take precedence over other appeals and other
262 pending matters.

263 (2) (a) Except as provided in paragraph (b) or paragraph
264 (c), a child may not be held in ~~secure or nonsecure~~ detention
265 care under a special detention order for more than 21 days
266 unless an adjudicatory hearing for the case has been commenced
267 in good faith by the court.

268 (b) ~~However,~~ Upon good cause being shown that the nature of
269 the charge requires additional time for the prosecution or
270 defense of the case, the court may extend the length of
271 detention for an additional 9 days if the child is charged with
272 an offense that would be, if committed by an adult, a capital
273 felony, a life felony, a felony of the first degree, or a felony
274 of the second degree involving violence against any individual.

275 (c) A prolific juvenile offender under s. 985.255(1) (j)
276 shall be placed on nonsecure detention care with electronic
277 monitoring or in secure detention care under a special detention
278 order until disposition. If secure detention care is ordered by
279 the court, it must be authorized under this part and may not
280 exceed:

281 1. Twenty-one days unless an adjudicatory hearing for the
282 case has been commenced in good faith by the court or the period
283 is extended by the court pursuant to paragraph (b); or

284 2. Fifteen days after the entry of an order of
285 adjudication.

286
287 As used in this paragraph, the term "disposition" means a
288 declination to file under s. 985.15(1) (h), the entry of nolle



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289 prosecui for the charges, the filing of an indictment under s.
290 985.56 or an information under s. 985.557, a dismissal of the
291 case, or an order of final disposition by the court.

292 (3) Except as provided in subsection (2), a child may not
293 be held in ~~secure or nonsecure~~ detention care for more than 15
294 days following the entry of an order of adjudication.

295 (4) (a) The time limits in subsections (2) and (3) do not
296 include periods of delay resulting from a continuance granted by
297 the court for cause on motion of the child or his or her counsel
298 or of the state. Upon the issuance of an order granting a
299 continuance for cause on a motion by either the child, the
300 child's counsel, or the state, the court shall conduct a hearing
301 at the end of each 72-hour period, excluding Saturdays, Sundays,
302 and legal holidays, to determine the need for continued
303 detention of the child and the need for further continuance of
304 proceedings for the child or the state.

305 (b) The period for nonsecure detention care under this
306 section is tolled on the date that the department or a law
307 enforcement officer alleges that the child has violated a
308 condition of the child's nonsecure detention care until the
309 court enters a ruling on the violation. Notwithstanding the
310 tolling of nonsecure detention care, the court retains
311 jurisdiction over the child for a violation of a condition of
312 nonsecure detention care during the tolling period. If the court
313 finds that a child has violated his or her nonsecure detention
314 care, the number of days that the child served in any type of
315 detention care before commission of the violation shall be
316 excluded from the time limits under subsections (2) and (3).

317 Section 5. Subsection (2) of section 985.265, Florida



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318 Statutes, is amended to read:

319 985.265 Detention transfer and release; education; adult
320 jails.-

321 (2) If a child is on release status and not detained under
322 this part, the child may be placed into ~~secure or nonsecure~~
323 detention care only pursuant to a court hearing in which the
324 original risk assessment instrument and the newly discovered
325 evidence or changed circumstances are introduced into evidence
326 with a rescored risk assessment instrument.

327 Section 6. Section 985.27, Florida Statutes, is amended to
328 read:

329 985.27 Postdisposition detention while awaiting residential
330 commitment placement.-

331 ~~(1)~~ The court must place all children who are adjudicated
332 and awaiting placement in a nonsecure, high-risk, or maximum-
333 risk residential commitment program in secure detention care
334 until the placement or commitment is accomplished. Children who
335 ~~are in nonsecure detention care may be placed on electronic~~
336 ~~monitoring.~~

337 ~~(a) A child who is awaiting placement in a nonsecure~~
338 ~~residential program must be removed from detention within 5~~
339 ~~days, excluding Saturdays, Sundays, and legal holidays. Any~~
340 ~~child held in secure detention during the 5 days must meet~~
341 ~~detention admission criteria under this part. The department may~~
342 ~~seek an order from the court authorizing continued detention for~~
343 ~~a specific period of time necessary for the appropriate~~
344 ~~residential placement of the child. However, such continued~~
345 ~~detention in secure detention care may not exceed 15 days after~~
346 ~~entry of the commitment order, excluding Saturdays, Sundays, and~~



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347 ~~legal holidays, and except as otherwise provided in this~~
348 ~~section. A child who is placed in nonsecure detention care or~~
349 ~~nonsecure detention care with electronic monitoring, while~~
350 ~~awaiting placement in a nonsecure residential program, may be~~
351 ~~held in secure detention care for 5 days, if the child violates~~
352 ~~the conditions of the nonsecure detention care or the electronic~~
353 ~~monitoring agreement. For any subsequent violation, the court~~
354 ~~may impose an additional 5 days in secure detention care.~~

355 ~~(b) If the child is committed to a high-risk residential~~
356 ~~program, the child must be held in secure detention care until~~
357 ~~placement or commitment is accomplished.~~

358 ~~(c) If the child is committed to a maximum-risk residential~~
359 ~~program, the child must be held in secure detention care until~~
360 ~~placement or commitment is accomplished.~~

361 ~~(2) Regardless of detention status, a child being~~
362 ~~transported by the department to a residential commitment~~
363 ~~facility of the department may be placed in secure detention~~
364 ~~overnight, not to exceed a 24-hour period, for the specific~~
365 ~~purpose of ensuring the safe delivery of the child to his or her~~
366 ~~residential commitment program, court, appointment, transfer, or~~
367 ~~release.~~

368 Section 7. Subsection (1) of section 985.35, Florida
369 Statutes, is amended to read:

370 985.35 Adjudicatory hearings; withheld adjudications;
371 orders of adjudication.—

372 (1)(a) Except as provided in paragraph (b), the
373 adjudicatory hearing must be held as soon as practicable after
374 the petition alleging that a child has committed a delinquent
375 act or violation of law is filed and in accordance with the



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376 Florida Rules of Juvenile Procedure; but reasonable delay for
377 the purpose of investigation, discovery, or procuring counsel or
378 witnesses shall be granted. If the child is being detained, the
379 time limitations in s. 985.26(2) and (3) apply.

380 (b) If the child is a prolific juvenile offender under s.
381 985.255(1)(j), the adjudicatory hearing must be held within 45
382 days after the child is taken into custody unless a delay is
383 requested by the child.

384 Section 8. Subsection (1) of section 985.514, Florida
385 Statutes, is amended to read:

386 985.514 Responsibility for cost of care; fees.-

387 (1) When any child is placed into ~~secure or nonsecure~~
388 detention care or into other placement for the purpose of being
389 supervised by the department pursuant to a court order following
390 a detention hearing, the court shall order the child's parents
391 to pay fees to the department as provided in s. 985.039.

392 Section 9. For the purpose of incorporating the amendments
393 made by this act to sections 985.25, 985.255, and 985.26,
394 Florida Statutes, in references thereto, subsection (8) of
395 section 790.22, Florida Statutes, is reenacted to read:

396 790.22 Use of BB guns, air or gas-operated guns, or
397 electric weapons or devices by minor under 16; limitation;
398 possession of firearms by minor under 18 prohibited; penalties.-

399 (8) Notwithstanding s. 985.24 or s. 985.25(1), if a minor
400 is charged with an offense that involves the use or possession
401 of a firearm, including a violation of subsection (3), or is
402 charged for any offense during the commission of which the minor
403 possessed a firearm, the minor shall be detained in secure
404 detention, unless the state attorney authorizes the release of



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405 the minor, and shall be given a hearing within 24 hours after
406 being taken into custody. At the hearing, the court may order
407 that the minor continue to be held in secure detention in
408 accordance with the applicable time periods specified in s.
409 985.26(1)-(5), if the court finds that the minor meets the
410 criteria specified in s. 985.255, or if the court finds by clear
411 and convincing evidence that the minor is a clear and present
412 danger to himself or herself or the community. The Department of
413 Juvenile Justice shall prepare a form for all minors charged
414 under this subsection which states the period of detention and
415 the relevant demographic information, including, but not limited
416 to, the gender, age, and race of the minor; whether or not the
417 minor was represented by private counsel or a public defender;
418 the current offense; and the minor's complete prior record,
419 including any pending cases. The form shall be provided to the
420 judge for determining whether the minor should be continued in
421 secure detention under this subsection. An order placing a minor
422 in secure detention because the minor is a clear and present
423 danger to himself or herself or the community must be in
424 writing, must specify the need for detention and the benefits
425 derived by the minor or the community by placing the minor in
426 secure detention, and must include a copy of the form provided
427 by the department.

428 Section 10. For the purpose of incorporating the amendments
429 made by this act to sections 985.255 and 985.26, Florida
430 Statutes, in references thereto, subsection (2) of section
431 985.115, Florida Statutes, is reenacted to read:

432 985.115 Release or delivery from custody.—

433 (2) Unless otherwise ordered by the court under s. 985.255



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434 or s. 985.26, and unless there is a need to hold the child, a
435 person taking a child into custody shall attempt to release the
436 child as follows:

437 (a) To the child's parent, guardian, or legal custodian or,
438 if the child's parent, guardian, or legal custodian is
439 unavailable, unwilling, or unable to provide supervision for the
440 child, to any responsible adult. Prior to releasing the child to
441 a responsible adult, other than the parent, guardian, or legal
442 custodian, the person taking the child into custody may conduct
443 a criminal history background check of the person to whom the
444 child is to be released. If the person has a prior felony
445 conviction, or a conviction for child abuse, drug trafficking,
446 or prostitution, that person is not a responsible adult for the
447 purposes of this section. The person to whom the child is
448 released shall agree to inform the department or the person
449 releasing the child of the child's subsequent change of address
450 and to produce the child in court at such time as the court may
451 direct, and the child shall join in the agreement.

452 (b) Contingent upon specific appropriation, to a shelter
453 approved by the department or to an authorized agent.

454 (c) If the child is believed to be suffering from a serious
455 physical condition which requires either prompt diagnosis or
456 prompt treatment, to a law enforcement officer who shall deliver
457 the child to a hospital for necessary evaluation and treatment.

458 (d) If the child is believed to be mentally ill as defined
459 in s. 394.463(1), to a law enforcement officer who shall take
460 the child to a designated public receiving facility as defined
461 in s. 394.455 for examination under s. 394.463.

462 (e) If the child appears to be intoxicated and has



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463 threatened, attempted, or inflicted physical harm on himself or
464 herself or another, or is incapacitated by substance abuse, to a
465 law enforcement officer who shall deliver the child to a
466 hospital, addictions receiving facility, or treatment resource.

467 (f) If available, to a juvenile assessment center equipped
468 and staffed to assume custody of the child for the purpose of
469 assessing the needs of the child in custody. The center may then
470 release or deliver the child under this section with a copy of
471 the assessment.

472 Section 11. For the purpose of incorporating the amendments
473 made by this act to sections 985.255 and 985.26, Florida
474 Statutes, in references thereto, subsection (2) of section
475 985.13, Florida Statutes, is reenacted to read:

476 985.13 Probable cause affidavits.—

477 (2) A person taking a child into custody who determines,
478 under part V, that the child should be detained or released to a
479 shelter designated by the department, shall make a reasonable
480 effort to immediately notify the parent, guardian, or legal
481 custodian of the child and shall, without unreasonable delay,
482 deliver the child to the appropriate juvenile probation officer
483 or, if the court has so ordered under s. 985.255 or s. 985.26,
484 to a detention center or facility. Upon delivery of the child,
485 the person taking the child into custody shall make a written
486 report or probable cause affidavit to the appropriate juvenile
487 probation officer. Such written report or probable cause
488 affidavit must:

489 (a) Identify the child and, if known, the parents,
490 guardian, or legal custodian.

491 (b) Establish that the child was legally taken into



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492 custody, with sufficient information to establish the
493 jurisdiction of the court and to make a prima facie showing that
494 the child has committed a violation of law.

495 Section 12. For the purpose of incorporating the amendment
496 made by this act to section 985.255, Florida Statutes, in a
497 reference thereto, paragraph (b) of subsection (2) of section
498 985.245, Florida Statutes, is reenacted to read:

499 985.245 Risk assessment instrument.—

500 (2)

501 (b) The risk assessment instrument shall take into
502 consideration, but need not be limited to, prior history of
503 failure to appear, prior offenses, offenses committed pending
504 adjudication, any unlawful possession of a firearm, theft of a
505 motor vehicle or possession of a stolen motor vehicle, and
506 probation status at the time the child is taken into custody.
507 The risk assessment instrument shall also take into
508 consideration appropriate aggravating and mitigating
509 circumstances, and shall be designed to target a narrower
510 population of children than s. 985.255. The risk assessment
511 instrument shall also include any information concerning the
512 child's history of abuse and neglect. The risk assessment shall
513 indicate whether detention care is warranted, and, if detention
514 care is warranted, whether the child should be placed into
515 secure or nonsecure detention care.

516 Section 13. For the purpose of incorporating the amendment
517 made by this act to section 985.26, Florida Statutes, in a
518 reference thereto, subsection (2) of section 985.255, Florida
519 Statutes, is reenacted to read:

520 985.255 Detention criteria; detention hearing.—



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521 (2) A child who is charged with committing an offense that
522 is classified as an act of domestic violence as defined in s.
523 741.28 and whose risk assessment instrument indicates secure
524 detention is not appropriate may be held in secure detention if
525 the court makes specific written findings that:

526 (a) Respite care for the child is not available.

527 (b) It is necessary to place the child in secure detention
528 in order to protect the victim from injury.

529
530 The child may not be held in secure detention under this
531 subsection for more than 48 hours unless ordered by the court.
532 After 48 hours, the court shall hold a hearing if the state
533 attorney or victim requests that secure detention be continued.
534 The child may continue to be held in detention care if the court
535 makes a specific, written finding that detention care is
536 necessary to protect the victim from injury. However, the child
537 may not be held in detention care beyond the time limits set
538 forth in this section or s. 985.26.

539 Section 14. For the purpose of incorporating the amendment
540 made by this act to section 985.255, Florida Statutes, in a
541 reference thereto, subsection (1) of section 985.275, Florida
542 Statutes, is reenacted to read:

543 985.275 Detention of escapee or absconder on authority of
544 the department.—

545 (1) If an authorized agent of the department has reasonable
546 grounds to believe that any delinquent child committed to the
547 department has escaped from a residential commitment facility or
548 from being lawfully transported thereto or therefrom, or has
549 absconded from a nonresidential commitment facility, the agent



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550 shall notify law enforcement and, if the offense would require
551 notification under chapter 960, notify the victim. The agent
552 shall make every reasonable effort as permitted within existing
553 resources provided to the department to locate the delinquent
554 child, and the child may be returned to the facility or, if it
555 is closer, to a detention center for return to the facility.
556 However, a child may not be held in detention longer than 24
557 hours, excluding Saturdays, Sundays, and legal holidays, unless
558 a special order so directing is made by the judge after a
559 detention hearing resulting in a finding that detention is
560 required based on the criteria in s. 985.255. The order shall
561 state the reasons for such finding. The reasons shall be
562 reviewable by appeal or in habeas corpus proceedings in the
563 district court of appeal.

564 Section 15. For the purpose of incorporating the amendment
565 made by this act to section 985.255, Florida Statutes, in a
566 reference thereto, subsection (6) of section 985.319, Florida
567 Statutes, is reenacted to read:

568 985.319 Process and service.—

569 (6) If the petition alleges that the child has committed a
570 delinquent act or violation of law and the judge deems it
571 advisable to do so, under the criteria of s. 985.255, the judge
572 may, by endorsement upon the summons and after the entry of an
573 order in which valid reasons are specified, order the child to
574 be taken into custody immediately, and in such case the person
575 serving the summons shall immediately take the child into
576 custody.

577 Section 16. For the 2017-2018 fiscal year, the sums of
578 \$2,978,012 in recurring funds and \$2,978,012 in nonrecurring



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579 funds from the General Revenue Fund are appropriated to the
580 Department of Juvenile Justice for the purpose of implementing
581 this act.

582 Section 17. This act shall take effect October 1, 2017.