

By Senator Latvala

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1 A bill to be entitled
2 An act relating to juvenile justice; amending s.
3 985.24, F.S.; revising requirements for placement of a
4 child in detention care; revising terminology;
5 amending s. 985.245, F.S.; providing that a child who
6 is designated a prolific juvenile offender does not
7 require a risk assessment to be placed in detention
8 care; amending s. 985.25, F.S.; revising terminology;
9 providing that a child meeting specified criteria
10 shall be placed in secure detention care until the
11 child's detention hearing; amending s. 985.255, F.S.;
12 revising terminology; providing criteria for a child
13 to be designated a prolific juvenile offender;
14 defining the term "arrest event"; conforming
15 provisions to changes made by the act; amending s.
16 985.26, F.S.; revising terminology; requiring the
17 court to place a prolific juvenile offender in secure
18 detention care under a special detention order until
19 disposition; defining the term "disposition"; revising
20 terminology; providing for the tolling of the period
21 of detention care for an alleged violation of
22 detention care conditions; providing for the retention
23 of jurisdiction by the court over a child during the
24 tolling period; revising the calculation of detention
25 days served if a child violates detention care;
26 amending s. 985.265, F.S.; revising terminology;
27 amending s. 985.27, F.S.; requiring secure detention
28 for all children awaiting placement in a commitment
29 program until the placement or commitment is

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30 accomplished; deleting provisions relating to the
31 detention of children; amending s. 985.35, F.S.;
32 requiring the adjudicatory hearing for a child
33 designated a prolific juvenile offender to be held
34 within a specified period unless such child requests a
35 delay; amending s. 985.514, F.S.; revising
36 terminology; reenacting s. 790.22(8), F.S., relating
37 to secure detention for minors charged with an offense
38 involving firearms, to incorporate the amendments made
39 by the act to ss. 985.24, 985.25, 985.255, and 985.26,
40 F.S., in references thereto; reenacting s. 985.115(2),
41 F.S., relating to release or delivery from custody, to
42 incorporate the amendments made by the act to ss.
43 985.255 and 985.26, F.S., in references thereto;
44 reenacting s. 985.13(2), F.S., relating to probable
45 cause affidavits, to incorporate the amendments made
46 by the act to ss. 985.255 and 985.26, F.S., in
47 references thereto; reenacting s. 985.245(2)(b), F.S.,
48 relating to risk assessment instruments, to
49 incorporate the amendment made by this act to s.
50 985.255, F.S., in a reference thereto; reenacting s.
51 985.255(2), F.S., relating to detention criteria and
52 hearings, to incorporate the amendment made by this
53 act to s. 985.26, F.S., in a reference thereto;
54 reenacting s. 985.275(1), F.S., relating to detention
55 of an escapee or absconder, to incorporate the
56 amendment made by this act to s. 985.255, F.S., in a
57 reference thereto; reenacting s. 985.319(6), F.S.,
58 relating to process and service, to incorporate the

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59 amendment made by this act to s. 985.255, F.S., in a
60 reference thereto; providing an effective date.

61

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

63

64 Section 1. Paragraphs (d) and (e) of subsection (1) and
65 subsection (2) of section 985.24, Florida Statutes, are amended,
66 and paragraph (f) is added to subsection (1) of that section, to
67 read:

68 985.24 Use of detention; prohibitions.—

69 (1) All determinations and court orders regarding the use
70 of detention care shall be based primarily upon findings that
71 the child:

72 (d) Has committed contempt of court by:

73 1. Intentionally disrupting the administration of the
74 court;

75 2. Intentionally disobeying a court order; or

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

79 (e) Requests protection from imminent bodily harm; or

80 (f) Is at risk for recidivism.

81 (2) A child alleged to have committed a delinquent act or
82 violation of law may not be placed into ~~secure or nonsecure~~
83 detention care for any of the following reasons:

84 (a) To allow a parent to avoid his or her legal
85 responsibility.

86 (b) To permit more convenient administrative access to the
87 child.

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88 (c) To facilitate further interrogation or investigation.

89 (d) Due to a lack of more appropriate facilities.

90 Section 2. Subsection (1) of section 985.245, Florida
91 Statutes, is amended to read:

92 985.245 Risk assessment instrument.—

93 (1) All determinations and court orders regarding placement
94 of a child into detention care shall comply with all
95 requirements and criteria provided in this part and shall be
96 based on a risk assessment of the child, unless the child is
97 placed into detention care under ~~as provided in~~ s. 985.255(2) or
98 is designated a prolific juvenile offender under s.
99 985.255(1)(j).

100 Section 3. Subsection (1) of section 985.25, Florida
101 Statutes, is amended to read:

102 985.25 Detention intake.—

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

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

113 (b) The department shall base the decision whether to place
114 the child into ~~secure or nonsecure~~ detention care on an
115 assessment of risk in accordance with the risk assessment
116 instrument and procedures developed by the department under s.

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117 985.245, except that. However, a child shall be placed in secure
118 detention care until the child's detention hearing if the child
119 meets the criteria specified in s. 985.255(1)(j), is charged
120 with possessing or discharging a firearm on school property in
121 violation of s. 790.115, or shall be placed in secure detention
122 care. A child who has been taken into custody on three or more
123 separate occasions within a 60-day period shall be placed in
124 secure detention care until the child's detention hearing.

125 (c) If the final score on the child's risk assessment
126 instrument indicates detention care is appropriate, but the
127 department otherwise determines the child should be released,
128 the department shall contact the state attorney, who may
129 authorize release.

130 (d) If the final score on the risk assessment instrument
131 indicates detention is not appropriate, the child may be
132 released by the department in accordance with ss. 985.115 and
133 985.13.

134
135 Under no circumstances shall the department or the state
136 attorney or law enforcement officer authorize the detention of
137 any child in a jail or other facility intended or used for the
138 detention of adults, without an order of the court.

139 Section 4. Subsection (1) and paragraphs (a) and (c) of
140 subsection (3) of section 985.255, Florida Statutes, are amended
141 to read:

142 985.255 Detention criteria; detention hearing.—

143 (1) Subject to s. 985.25(1), a child taken into custody and
144 placed into ~~secure or nonsecure~~ detention care shall be given a
145 hearing within 24 hours after being taken into custody. At the

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146 hearing, the court may order continued detention if:

147 (a) The child is alleged to be an escapee from a
148 residential commitment program; or an absconder from a
149 nonresidential commitment program, a probation program, or
150 conditional release supervision; or is alleged to have escaped
151 while being lawfully transported to or from a residential
152 commitment program.

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

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

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

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

165 (f) The child is charged with a capital felony, a life
166 felony, a felony of the first degree, a felony of the second
167 degree that does not involve a violation of chapter 893, or a
168 felony of the third degree that is also a crime of violence,
169 including any such offense involving the use or possession of a
170 firearm.

171 (g) The child is charged with any second degree or third
172 degree felony involving a violation of chapter 893 or any third
173 degree felony that is not also a crime of violence, and the
174 child:

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175 1. Has a record of failure to appear at court hearings
176 after being properly notified in accordance with the Rules of
177 Juvenile Procedure;

178 2. Has a record of law violations prior to court hearings;

179 3. Has already been detained or has been released and is
180 awaiting final disposition of the case;

181 4. Has a record of violent conduct resulting in physical
182 injury to others; or

183 5. Is found to have been in possession of a firearm.

184 (h) The child is alleged to have violated the conditions of
185 the child's probation or conditional release supervision.

186 However, a child detained under this paragraph may be held only
187 in a consequence unit as provided in s. 985.439. If a
188 consequence unit is not available, the child shall be placed on
189 nonsecure detention with electronic monitoring.

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

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

195 2. At two or more court hearings of any nature on the same
196 case regardless of the results of the risk assessment
197 instrument.

198
199 A child may be held in secure detention for up to 72 hours in
200 advance of the next scheduled court hearing pursuant to this
201 paragraph. The child's failure to keep the clerk of court and
202 defense counsel informed of a current and valid mailing address
203 where the child will receive notice to appear at court

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204 proceedings does not provide an adequate ground for excusal of
205 the child's nonappearance at the hearings.

206 (j) The child is a prolific juvenile offender. A child must
207 be designated by the court as a prolific juvenile offender if
208 the child:

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

211 2. Has been adjudicated or had adjudication withheld for a
212 felony offense or delinquent act that would be a felony if
213 committed by an adult, before the charge under subparagraph 1.;
214 and

215 3. Has 5 or more of any of the following, at least 3 of
216 which must have been for felony offenses or delinquent acts that
217 would have been felonies if committed by an adult:

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

220 b. An adjudication; or

221 c. An adjudication withheld.

222
223 This subparagraph excludes the arrest event that resulted in the
224 charge under subparagraph 1. and the adjudication or
225 adjudication withheld under subparagraph 2. As used in this
226 subparagraph, the term "arrest event" means an arrest for one or
227 more criminal offenses or delinquent acts arising out of the
228 same episode, act, or transaction.

229 (3) (a) The purpose of the detention hearing required under
230 subsection (1) is to determine the existence of probable cause
231 that the child has committed the delinquent act or violation of
232 law that he or she is charged with and the need for continued

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233 detention. Unless a child is detained under paragraph (1)(d), ~~or~~
234 paragraph (1)(e), or paragraph (1)(j), the court shall use the
235 results of the risk assessment performed by the department and,
236 based on the criteria in subsection (1), shall determine the
237 need for continued detention.

238 (c) Except as provided in s. 790.22(8), s. 985.26(2)(b), or
239 ~~in~~ s. 985.27, when a child is placed into ~~secure or nonsecure~~
240 detention care, or into a respite home or other placement
241 pursuant to a court order following a hearing, the court order
242 must include specific instructions that direct the release of
243 the child from such placement no later than 5 p.m. on the last
244 day of the detention period specified in s. 985.26 or s. 985.27,
245 whichever is applicable, unless the requirements of such
246 applicable provision have been met or an order of continuance
247 has been granted under s. 985.26(4). If the court order does not
248 include a release date, the release date shall be requested from
249 the court on the same date that the child is placed in detention
250 care. If a subsequent hearing is needed to provide additional
251 information to the court for safety planning, the initial order
252 placing the child in detention care shall reflect the next
253 detention review hearing, which shall be held within 3 calendar
254 days after the child's initial detention placement.

255 Section 5. Subsections (1) through (4) of section 985.26,
256 Florida Statutes, are amended to read:

257 985.26 Length of detention.—

258 (1) A child may not be placed into or held in ~~secure or~~
259 ~~nonsecure~~ detention care for longer than 24 hours unless the
260 court orders such detention care, and the order includes
261 specific instructions that direct the release of the child from

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262 such detention care, in accordance with s. 985.255. The order
263 shall be a final order, reviewable by appeal under s. 985.534
264 and the Florida Rules of Appellate Procedure. Appeals of such
265 orders shall take precedence over other appeals and other
266 pending matters.

267 (2) (a) Except as provided in paragraph (b), a child may not
268 be held in ~~secure or nonsecure~~ detention care under a special
269 detention order for more than 21 days unless an adjudicatory
270 hearing for the case has been commenced in good faith by the
271 court. However, upon good cause being shown that the nature of
272 the charge requires additional time for the prosecution or
273 defense of the case, the court may extend the length of
274 detention for an additional 9 days if the child is charged with
275 an offense that would be, if committed by an adult, a capital
276 felony, a life felony, a felony of the first degree, or a felony
277 of the second degree involving violence against any individual.

278 (b) A child who is designated a prolific juvenile offender
279 under s. 985.255(1)(j) shall be held in secure detention care
280 under a special detention order until disposition. As used in
281 this paragraph, the term "disposition" means the entry of a
282 nolle prosequi for the charges, a dismissal of the case, or the
283 entry of a disposition order by the court.

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

287 (4) (a) The time limits in subsections (2) and (3) do not
288 include periods of delay resulting from a continuance granted by
289 the court for cause on motion of the child or his or her counsel
290 or of the state. Upon the issuance of an order granting a

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291 continuance for cause on a motion by either the child, the
292 child's counsel, or the state, the court shall conduct a hearing
293 at the end of each 72-hour period, excluding Saturdays, Sundays,
294 and legal holidays, to determine the need for continued
295 detention of the child and the need for further continuance of
296 proceedings for the child or the state.

297 (b) The period for detention care under this section is
298 tolled on the date that the department alleges that the child
299 has violated a condition of the child's detention care until the
300 court enters a ruling on the violation. Notwithstanding the
301 tolling of detention care, the court retains jurisdiction over
302 the child for a violation of a condition of detention care
303 during the tolling period. If the court finds that a child has
304 violated his or her detention care, the number of days that the
305 child served in detention care before commission of the
306 violation shall be excluded from the time limits under
307 subsections (2) and (3).

308 Section 6. Subsection (2) of section 985.265, Florida
309 Statutes, is amended to read:

310 985.265 Detention transfer and release; education; adult
311 jails.-

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

318 Section 7. Section 985.27, Florida Statutes, is amended to
319 read:

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320 985.27 Postdisposition detention while awaiting commitment
321 placement.—

322 ~~(1)~~ The court must place all children who are adjudicated
323 and awaiting placement in a commitment program in secure
324 detention care until the placement or commitment is
325 accomplished. ~~Children who are in nonsecure detention care may~~
326 ~~be placed on electronic monitoring.~~

327 ~~(a) A child who is awaiting placement in a nonsecure~~
328 ~~residential program must be removed from detention within 5~~
329 ~~days, excluding Saturdays, Sundays, and legal holidays. Any~~
330 ~~child held in secure detention during the 5 days must meet~~
331 ~~detention admission criteria under this part. The department may~~
332 ~~seek an order from the court authorizing continued detention for~~
333 ~~a specific period of time necessary for the appropriate~~
334 ~~residential placement of the child. However, such continued~~
335 ~~detention in secure detention care may not exceed 15 days after~~
336 ~~entry of the commitment order, excluding Saturdays, Sundays, and~~
337 ~~legal holidays, and except as otherwise provided in this~~
338 ~~section. A child who is placed in nonsecure detention care or~~
339 ~~nonsecure detention care with electronic monitoring, while~~
340 ~~awaiting placement in a nonsecure residential program, may be~~
341 ~~held in secure detention care for 5 days, if the child violates~~
342 ~~the conditions of the nonsecure detention care or the electronic~~
343 ~~monitoring agreement. For any subsequent violation, the court~~
344 ~~may impose an additional 5 days in secure detention care.~~

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

348 ~~(c) If the child is committed to a maximum-risk residential~~

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349 ~~program, the child must be held in secure detention care until~~
350 ~~placement or commitment is accomplished.~~

351 ~~(2) Regardless of detention status, a child being~~
352 ~~transported by the department to a residential commitment~~
353 ~~facility of the department may be placed in secure detention~~
354 ~~overnight, not to exceed a 24-hour period, for the specific~~
355 ~~purpose of ensuring the safe delivery of the child to his or her~~
356 ~~residential commitment program, court, appointment, transfer, or~~
357 ~~release.~~

358 Section 8. Subsection (1) of section 985.35, Florida
359 Statutes, is amended to read:

360 985.35 Adjudicatory hearings; withheld adjudications;
361 orders of adjudication.—

362 (1)(a) Except as provided in paragraph (b), the
363 adjudicatory hearing must be held as soon as practicable after
364 the petition alleging that a child has committed a delinquent
365 act or violation of law is filed and in accordance with the
366 Florida Rules of Juvenile Procedure; but reasonable delay for
367 the purpose of investigation, discovery, or procuring counsel or
368 witnesses shall be granted. If the child is being detained, the
369 time limitations in s. 985.26(2) and (3) apply.

370 (b) If the child is designated a prolific juvenile offender
371 under s. 985.255(1)(j), the adjudicatory hearing must be held
372 within 45 days after the petition alleging that the child has
373 committed a delinquent act or violation of law has been filed
374 unless a delay is requested by the child.

375 Section 9. Subsection (1) of section 985.514, Florida
376 Statutes, is amended to read:

377 985.514 Responsibility for cost of care; fees.—

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

383 Section 10. For the purpose of incorporating the amendments
384 made by this act to sections 985.24, 985.25, 985.255, and
385 985.26, Florida Statutes, in references thereto, subsection (8)
386 of section 790.22, Florida Statutes, is reenacted to read:

387 790.22 Use of BB guns, air or gas-operated guns, or
388 electric weapons or devices by minor under 16; limitation;
389 possession of firearms by minor under 18 prohibited; penalties.—

390 (8) Notwithstanding s. 985.24 or s. 985.25(1), if a minor
391 is charged with an offense that involves the use or possession
392 of a firearm, including a violation of subsection (3), or is
393 charged for any offense during the commission of which the minor
394 possessed a firearm, the minor shall be detained in secure
395 detention, unless the state attorney authorizes the release of
396 the minor, and shall be given a hearing within 24 hours after
397 being taken into custody. At the hearing, the court may order
398 that the minor continue to be held in secure detention in
399 accordance with the applicable time periods specified in s.
400 985.26(1)-(5), if the court finds that the minor meets the
401 criteria specified in s. 985.255, or if the court finds by clear
402 and convincing evidence that the minor is a clear and present
403 danger to himself or herself or the community. The Department of
404 Juvenile Justice shall prepare a form for all minors charged
405 under this subsection which states the period of detention and
406 the relevant demographic information, including, but not limited

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407 to, the gender, age, and race of the minor; whether or not the
408 minor was represented by private counsel or a public defender;
409 the current offense; and the minor's complete prior record,
410 including any pending cases. The form shall be provided to the
411 judge for determining whether the minor should be continued in
412 secure detention under this subsection. An order placing a minor
413 in secure detention because the minor is a clear and present
414 danger to himself or herself or the community must be in
415 writing, must specify the need for detention and the benefits
416 derived by the minor or the community by placing the minor in
417 secure detention, and must include a copy of the form provided
418 by the department.

419 Section 11. For the purpose of incorporating the amendment
420 made by this act to sections 985.255 and 985.26, Florida
421 Statutes, in references thereto, subsection (2) of section
422 985.115, Florida Statutes, is reenacted to read:

423 985.115 Release or delivery from custody.-

424 (2) Unless otherwise ordered by the court under s. 985.255
425 or s. 985.26, and unless there is a need to hold the child, a
426 person taking a child into custody shall attempt to release the
427 child as follows:

428 (a) To the child's parent, guardian, or legal custodian or,
429 if the child's parent, guardian, or legal custodian is
430 unavailable, unwilling, or unable to provide supervision for the
431 child, to any responsible adult. Prior to releasing the child to
432 a responsible adult, other than the parent, guardian, or legal
433 custodian, the person taking the child into custody may conduct
434 a criminal history background check of the person to whom the
435 child is to be released. If the person has a prior felony

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436 conviction, or a conviction for child abuse, drug trafficking,
437 or prostitution, that person is not a responsible adult for the
438 purposes of this section. The person to whom the child is
439 released shall agree to inform the department or the person
440 releasing the child of the child's subsequent change of address
441 and to produce the child in court at such time as the court may
442 direct, and the child shall join in the agreement.

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

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

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

453 (e) If the child appears to be intoxicated and has
454 threatened, attempted, or inflicted physical harm on himself or
455 herself or another, or is incapacitated by substance abuse, to a
456 law enforcement officer who shall deliver the child to a
457 hospital, addictions receiving facility, or treatment resource.

458 (f) If available, to a juvenile assessment center equipped
459 and staffed to assume custody of the child for the purpose of
460 assessing the needs of the child in custody. The center may then
461 release or deliver the child under this section with a copy of
462 the assessment.

463 Section 12. For the purpose of incorporating the amendment
464 made by this act to section 985.255 and 985.26, Florida

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465 Statutes, in references thereto, subsection (2) of section
466 985.13, Florida Statutes, is reenacted to read:

467 985.13 Probable cause affidavits.—

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

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

482 (b) Establish that the child was legally taken into
483 custody, with sufficient information to establish the
484 jurisdiction of the court and to make a prima facie showing that
485 the child has committed a violation of law.

486 Section 13. For the purpose of incorporating the amendment
487 made by this act to section 985.255, Florida Statutes, in a
488 reference thereto, paragraph (b) of subsection (2) of section
489 985.245, Florida Statutes, is reenacted to read:

490 985.245 Risk assessment instrument.—

491 (2)

492 (b) The risk assessment instrument shall take into
493 consideration, but need not be limited to, prior history of

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494 failure to appear, prior offenses, offenses committed pending
495 adjudication, any unlawful possession of a firearm, theft of a
496 motor vehicle or possession of a stolen motor vehicle, and
497 probation status at the time the child is taken into custody.
498 The risk assessment instrument shall also take into
499 consideration appropriate aggravating and mitigating
500 circumstances, and shall be designed to target a narrower
501 population of children than s. 985.255. The risk assessment
502 instrument shall also include any information concerning the
503 child's history of abuse and neglect. The risk assessment shall
504 indicate whether detention care is warranted, and, if detention
505 care is warranted, whether the child should be placed into
506 secure or nonsecure detention care.

507 Section 14. For the purpose of incorporating the amendment
508 made by this act to section 985.26, Florida Statutes, in a
509 reference thereto, subsection (2) of section 985.255, Florida
510 Statutes, is reenacted to read:

511 985.255 Detention criteria; detention hearing.—

512 (2) A child who is charged with committing an offense that
513 is classified as an act of domestic violence as defined in s.
514 741.28 and whose risk assessment instrument indicates secure
515 detention is not appropriate may be held in secure detention if
516 the court makes specific written findings that:

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

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

520

521 The child may not be held in secure detention under this
522 subsection for more than 48 hours unless ordered by the court.

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523 After 48 hours, the court shall hold a hearing if the state
524 attorney or victim requests that secure detention be continued.
525 The child may continue to be held in detention care if the court
526 makes a specific, written finding that detention care is
527 necessary to protect the victim from injury. However, the child
528 may not be held in detention care beyond the time limits set
529 forth in this section or s. 985.26.

530 Section 15. For the purpose of incorporating the amendment
531 made by this act to section 985.255, Florida Statutes, in a
532 reference thereto, subsection (1) of section 985.275, Florida
533 Statutes, is reenacted to read:

534 985.275 Detention of escapee or absconder on authority of
535 the department.—

536 (1) If an authorized agent of the department has reasonable
537 grounds to believe that any delinquent child committed to the
538 department has escaped from a residential commitment facility or
539 from being lawfully transported thereto or therefrom, or has
540 absconded from a nonresidential commitment facility, the agent
541 shall notify law enforcement and, if the offense would require
542 notification under chapter 960, notify the victim. The agent
543 shall make every reasonable effort as permitted within existing
544 resources provided to the department to locate the delinquent
545 child, and the child may be returned to the facility or, if it
546 is closer, to a detention center for return to the facility.
547 However, a child may not be held in detention longer than 24
548 hours, excluding Saturdays, Sundays, and legal holidays, unless
549 a special order so directing is made by the judge after a
550 detention hearing resulting in a finding that detention is
551 required based on the criteria in s. 985.255. The order shall

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552 state the reasons for such finding. The reasons shall be
553 reviewable by appeal or in habeas corpus proceedings in the
554 district court of appeal.

555 Section 16. For the purpose of incorporating the amendment
556 made by this act to section 985.255, Florida Statutes, in a
557 reference thereto, subsection (6) of section 985.319, Florida
558 Statutes, is reenacted to read:

559 985.319 Process and service.—

560 (6) If the petition alleges that the child has committed a
561 delinquent act or violation of law and the judge deems it
562 advisable to do so, under the criteria of s. 985.255, the judge
563 may, by endorsement upon the summons and after the entry of an
564 order in which valid reasons are specified, order the child to
565 be taken into custody immediately, and in such case the person
566 serving the summons shall immediately take the child into
567 custody.

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