

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
 ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
 ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
 FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
 WITHDRAWN \_\_\_\_\_ (Y/N)  
 OTHER \_\_\_\_\_

1 Committee/Subcommittee hearing bill: Judiciary Committee  
 2 Representative Grant, J. offered the following:

**Amendment (with title amendment)**

Remove lines 220-373 and insert:

6 offender who is detained under s. 985.26(2)(c), the court shall  
 7 use the results of the risk assessment performed by the  
 8 department and the criteria in subsection (1) or subsection (2)  
 9 only to determine whether the prolific juvenile offender should  
 10 be held in secure detention. (b) If the court orders a  
 11 placement more restrictive than indicated by the results of the  
 12 risk assessment instrument, the court shall state, in writing,  
 13 clear and convincing reasons for such placement.

14 (c) Except as provided in s. 790.22(8) or ~~in~~ s. 985.27,  
 15 when a child is placed into ~~secure or nonsecure~~ detention care,  
 16 or into a respite home or other placement pursuant to a court

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17 order following a hearing, the court order must include specific  
18 instructions that direct the release of the child from such  
19 placement no later than 5 p.m. on the last day of the detention  
20 period specified in s. 985.26 or s. 985.27, whichever is  
21 applicable, unless the requirements of such applicable provision  
22 have been met or an order of continuance has been granted under  
23 s. 985.26(4). If the court order does not include a release  
24 date, the release date shall be requested from the court on the  
25 same date that the child is placed in detention care. If a  
26 subsequent hearing is needed to provide additional information  
27 to the court for safety planning, the initial order placing the  
28 child in detention care shall reflect the next detention review  
29 hearing, which shall be held within 3 calendar days after the  
30 child's initial detention placement.

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

33 985.26 Length of detention.—

34 (1) A child may not be placed into or held in ~~secure or~~  
35 ~~nonsecure~~ detention care for longer than 24 hours unless the  
36 court orders such detention care, and the order includes  
37 specific instructions that direct the release of the child from  
38 such detention care, in accordance with s. 985.255. The order  
39 shall be a final order, reviewable by appeal under s. 985.534  
40 and the Florida Rules of Appellate Procedure. Appeals of such

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41 orders shall take precedence over other appeals and other  
42 pending matters.

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

48 (b) However, Upon good cause being shown that the nature  
49 of the charge requires additional time for the prosecution or  
50 defense of the case, the court may extend the length of  
51 detention for an additional 9 days if the child is charged with  
52 an offense that would be, if committed by an adult, a capital  
53 felony, a life felony, a felony of the first degree, or a felony  
54 of the second degree involving violence against any individual.

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

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

64 2. Fifteen days after the entry of an order of  
65 adjudication.

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66  
67 As used in this paragraph, the term "disposition" means a  
68 declination to file under s. 985.15(1)(h), the entry of nolle  
69 prosequi for the charges, the filing of an indictment under s.  
70 985.56 or an information under s. 985.557, a dismissal of the  
71 case, or an order of final disposition by the court.

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

75 (4) (a) The time limits in subsections (2) and (3) do not  
76 include periods of delay resulting from a continuance granted by  
77 the court for cause on motion of the child or his or her counsel  
78 or of the state. Upon the issuance of an order granting a  
79 continuance for cause on a motion by either the child, the  
80 child's counsel, or the state, the court shall conduct a hearing  
81 at the end of each 72-hour period, excluding Saturdays, Sundays,  
82 and legal holidays, to determine the need for continued  
83 detention of the child and the need for further continuance of  
84 proceedings for the child or the state.

85 (b) The period for nonsecure detention care under this  
86 section is tolled on the date that the department or a law  
87 enforcement officer alleges that the child has violated a  
88 condition of the child's nonsecure detention care until the  
89 court enters a ruling on the violation. Notwithstanding the  
90 tolling of nonsecure detention care, the court retains

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91 jurisdiction over the child for a violation of a condition of  
92 nonsecure detention care during the tolling period. If the court  
93 finds that a child has violated his or her nonsecure detention  
94 care, the number of days that the child served in any type of  
95 detention care before commission of the violation shall be  
96 excluded from the time limits under subsections (2) and (3).

97 Section 5. Subsection (2) of section 985.265, Florida  
98 Statutes, is amended to read:

99 985.265 Detention transfer and release; education; adult  
100 jails.-

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

107 Section 6. Section 985.27, Florida Statutes, is amended to  
108 read:

109 985.27 Postdisposition detention while awaiting  
110 residential commitment placement.-

111 ~~(1)~~ The court must place all children who are adjudicated  
112 and awaiting placement in a nonsecure, high-risk, or maximum-  
113 risk residential commitment program in secure detention care  
114 until the placement or commitment is accomplished. ~~Children who~~

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115 ~~are in nonsecure detention care may be placed on electronic~~  
116 ~~monitoring.~~

117 ~~(a) A child who is awaiting placement in a nonsecure~~  
118 ~~residential program must be removed from detention within 5~~  
119 ~~days, excluding Saturdays, Sundays, and legal holidays. Any~~  
120 ~~child held in secure detention during the 5 days must meet~~  
121 ~~detention admission criteria under this part. The department may~~  
122 ~~seek an order from the court authorizing continued detention for~~  
123 ~~a specific period of time necessary for the appropriate~~  
124 ~~residential placement of the child. However, such continued~~  
125 ~~detention in secure detention care may not exceed 15 days after~~  
126 ~~entry of the commitment order, excluding Saturdays, Sundays, and~~  
127 ~~legal holidays, and except as otherwise provided in this~~  
128 ~~section. A child who is placed in nonsecure detention care or~~  
129 ~~nonsecure detention care with electronic monitoring, while~~  
130 ~~awaiting placement in a nonsecure residential program, may be~~  
131 ~~held in secure detention care for 5 days, if the child violates~~  
132 ~~the conditions of the nonsecure detention care or the electronic~~  
133 ~~monitoring agreement. For any subsequent violation, the court~~  
134 ~~may impose an additional 5 days in secure detention care.~~

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

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

141 ~~(2) Regardless of detention status, a child being~~  
142 ~~transported by the department to a residential commitment~~  
143 ~~facility of the department may be placed in secure detention~~  
144 ~~overnight, not to exceed a 24-hour period, for the specific~~  
145 ~~purpose of ensuring the safe delivery of the child to his or her~~  
146 ~~residential commitment program, court, appointment, transfer, or~~  
147 ~~release.~~

148 Section 7. Subsections (1) and (7) of section 985.35,  
149 Florida Statutes, is amended to read:

150 985.35 Adjudicatory hearings; withheld adjudications;  
151 orders of adjudication.—

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

160 (b) If the child is a prolific juvenile offender under s.  
161 985.255(1)(j), the adjudicatory hearing must be held within 45

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162 days after the child is taken into custody unless a delay is  
163 requested by the child.

164 (7) ~~Notwithstanding any other provision of law,~~ An  
165 adjudication of delinquency for an offense classified as a  
166 felony shall disqualify a person from lawfully possessing a  
167 firearm until such person reaches 24 years of age, unless the  
168 person's criminal history record for that offense has been  
169 expunged pursuant to s. 943.0515(1)(b).

170 Section 8. The Legislature determines and declares that  
171 this act fulfills an important state interest.

172

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174 **T I T L E A M E N D M E N T**

175 Remove lines 10-59 and insert:

176 an additional circumstance under which the court may order  
177 continued detention; providing criteria for a child to be a  
178 prolific juvenile offender; defining the term "arrest event";  
179 specifying certain information and criteria that may be  
180 considered by a court only when determining whether a prolific  
181 juvenile offender should be held in secure detention; conforming  
182 provisions to changes made by the act; amending s. 985.26, F.S.;  
183 revising terminology; requiring the court to place a prolific  
184 juvenile offender in certain detention care under a special  
185 detention order until disposition; specifying time limitations  
186 for secure detention for a prolific juvenile offender; defining



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187 the term "disposition"; providing for the tolling of nonsecure  
188 detention care for an alleged violation of such detention care;  
189 providing for the retention of jurisdiction by the court over a  
190 child during the tolling period; revising the calculation of  
191 detention care days served if a child violates nonsecure  
192 detention care; amending s. 985.265, F.S.; revising terminology;  
193 amending s. 985.27, F.S.; requiring secure detention for all  
194 children awaiting placement in a residential commitment program  
195 until the placement or commitment is accomplished; deleting  
196 provisions specifying the maximum number of days a child may be  
197 placed in secure detention under certain circumstances; amending  
198 s. 985.35, F.S.; requiring the adjudicatory hearing for a child  
199 who is a prolific juvenile offender to be held within a  
200 specified period unless such child requests a delay; revising  
201 the circumstances under which an adjudication of delinquency for  
202 a felony disqualifies a person from possessing a firearm;  
203 amending s. 985.514, F.S.; revising terminology; reenacting s.  
204 790.22(8), F.S., relating to secure detention for minors charged  
205 with an offense involving BB guns, air or gas-operated guns, or  
206 electric weapons or devices, to incorporate the amendments made  
207 by the act to ss. 985.25, 985.255, and 985.26, F.S., in  
208 references thereto; reenacting s. 985.115(2), F.S., relating to  
209 release or delivery from custody, to incorporate the amendments  
210 made by the act to ss. 985.255 and 985.26, F.S., in references  
211 thereto; reenacting s. 985.13(2), F.S., relating to probable

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212 cause affidavits, to incorporate the amendments made by the act  
213 to ss. 985.255 and 985.26, F.S., in references thereto;  
214 reenacting s. 985.245(2)(b), F.S., relating to risk assessment  
215 instruments, to incorporate the amendment made by this act to s.  
216 985.255, F.S., in a reference thereto; reenacting s. 985.255(2),  
217 F.S., relating to detention criteria and hearings, to  
218 incorporate the amendment made by this act to s. 985.26, F.S.,  
219 in a reference thereto; reenacting s. 985.275(1), F.S., relating  
220 to detention of an escapee or absconder, to incorporate the  
221 amendment made by this act to s. 985.255, F.S., in a reference  
222 thereto; reenacting s. 985.319(6), F.S., relating to process and  
223 service, to incorporate the amendment made by this act to s.  
224 985.255, F.S., in a reference thereto; providing a declaration  
225 of important state interest; providing an appropriation;