

1 A bill to be entitled
2 An act relating to juvenile justice; amending s.
3 382.0255, F.S.; requiring the Department of Health to
4 waive fees for birth certificates issued to certain
5 juvenile offenders; amending s. 985.25, F.S.; revising
6 terminology; providing that a child meeting specified
7 criteria shall be placed in secure detention care
8 until the child's detention hearing; amending s.
9 985.255, F.S.; revising terminology; providing
10 criteria for a child to be a prolific juvenile
11 offender; defining the term "arrest event"; specifying
12 certain information and criteria that may be
13 considered by a court only when determining whether a
14 prolific juvenile offender should be held in secure
15 detention; conforming provisions; amending s. 985.26,
16 F.S.; revising terminology; requiring the court to
17 place a prolific juvenile offender in certain
18 detention care under a special detention order until
19 disposition; specifying time limitations for secure
20 detention for a prolific juvenile offender; defining
21 the term "disposition"; revising terminology;
22 providing for the tolling of nonsecure detention care
23 for an alleged violation of such detention care;
24 providing for the retention of jurisdiction by the
25 court over a child during the tolling period; revising

26 | the calculation of detention care days served if a
27 | child violates nonsecure detention care; amending s.
28 | 985.265, F.S.; revising terminology; amending s.
29 | 985.27, F.S.; requiring secure detention for all
30 | children awaiting placement in a commitment program
31 | until the placement or commitment is accomplished;
32 | amending s. 985.35, F.S.; requiring the adjudicatory
33 | hearing for a child who is a prolific juvenile
34 | offender to be held within a specified period unless
35 | such child requests a delay; amending s. 985.514,
36 | F.S.; revising terminology; reenacting s. 790.22(8),
37 | F.S., relating to secure detention for minors charged
38 | with an offense involving firearms, to incorporate the
39 | amendments made by the act to ss. 985.25, 985.255, and
40 | 985.26, F.S., in references thereto; reenacting s.
41 | 985.115(2), F.S., relating to release or delivery from
42 | custody, to incorporate the amendments made by the act
43 | to ss. 985.255 and 985.26, F.S., in references
44 | thereto; reenacting s. 985.13(2), F.S., relating to
45 | probable cause affidavits, to incorporate the
46 | amendments made by the act to ss. 985.255 and 985.26,
47 | F.S., in references thereto; reenacting s.
48 | 985.245(2)(b), F.S., relating to risk assessment
49 | instruments, to incorporate the amendment made by this
50 | act to s. 985.255, F.S., in a reference thereto;

51 reenacting s. 985.255(2), F.S., relating to detention
52 criteria and hearings, to incorporate the amendment
53 made by this act to s. 985.26, F.S., in a reference
54 thereto; reenacting s. 985.275(1), F.S., relating to
55 detention of an escapee or absconder, to incorporate
56 the amendment made by this act to s. 985.255, F.S.;
57 reenacting s. 985.319(6), F.S., relating to process
58 and service, to incorporate the amendment made by this
59 act to s. 985.255, F.S.; providing an appropriation;
60 providing an effective date.

61
62 Be It Enacted by the Legislature of the State of Florida:

63
64 Section 1. Subsection (3) of section 382.0255, Florida
65 Statutes, is amended to read:

66 382.0255 Fees.—

67 (3) Fees shall be established by rule. However, until
68 rules are adopted, the fees assessed pursuant to this section
69 shall be the minimum fees cited. The fees established by rule
70 must be sufficient to meet the cost of providing the service.
71 All fees shall be paid by the person requesting the record, are
72 due and payable at the time services are requested, and are
73 nonrefundable, except that, when a search is conducted and no
74 vital record is found, any fees paid for additional certified
75 copies shall be refunded. The department may waive all or part

76 of the fees required under this section for any government
77 entity. The department shall waive all fees required under this
78 section for a certified copy of a birth certificate issued for
79 purposes of an inmate acquiring a state identification card
80 before release pursuant to s. 944.605(7) and for a juvenile
81 offender who is in the custody or under the supervision of the
82 Department of Juvenile Justice and receiving services under s.
83 985.461.

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

86 985.25 Detention intake.—

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

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

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

101 985.245, except that. ~~However,~~ a child shall be placed in secure
 102 detention care until the child's detention hearing if the child
 103 meets the criteria specified in s. 985.255(1)(j), is charged
 104 with possessing or discharging a firearm on school property in
 105 violation of s. 790.115, or ~~shall be placed in secure detention~~
 106 ~~care. A child who~~ has been taken into custody on three or more
 107 separate occasions within a 60-day period ~~shall be placed in~~
 108 ~~secure detention care until the child's detention hearing.~~

109 (c) If the final score on the child's risk assessment
 110 instrument indicates detention care is appropriate, but the
 111 department otherwise determines the child should be released,
 112 the department shall contact the state attorney, who may
 113 authorize release.

114 (d) If the final score on the risk assessment instrument
 115 indicates detention is not appropriate, the child may be
 116 released by the department in accordance with ss. 985.115 and
 117 985.13.

118
 119 Under no circumstances shall the department or the state
 120 attorney or law enforcement officer authorize the detention of
 121 any child in a jail or other facility intended or used for the
 122 detention of adults, without an order of the court.

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

125 985.255 Detention criteria; detention hearing.—

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

130 (a) The child is alleged to be an escapee from a
131 residential commitment program; or an absconder from a
132 nonresidential commitment program, a probation program, or
133 conditional release supervision; or is alleged to have escaped
134 while being lawfully transported to or from a residential
135 commitment program.

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

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

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

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

148 (f) The child is charged with a capital felony, a life
149 felony, a felony of the first degree, a felony of the second
150 degree that does not involve a violation of chapter 893, or a

151 felony of the third degree that is also a crime of violence,
152 including any such offense involving the use or possession of a
153 firearm.

154 (g) The child is charged with any second degree or third
155 degree felony involving a violation of chapter 893 or any third
156 degree felony that is not also a crime of violence, and the
157 child:

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

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

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

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

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

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

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

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

178 2. At two or more court hearings of any nature on the same
 179 case regardless of the results of the risk assessment
 180 instrument.

181
 182 A child may be held in secure detention for up to 72 hours in
 183 advance of the next scheduled court hearing pursuant to this
 184 paragraph. The child's failure to keep the clerk of court and
 185 defense counsel informed of a current and valid mailing address
 186 where the child will receive notice to appear at court
 187 proceedings does not provide an adequate ground for excusal of
 188 the child's nonappearance at the hearings.

189 (j) The child is a prolific juvenile offender. A child is
 190 a prolific juvenile offender if the child:

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

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

197 3. In addition to meeting the requirements of
 198 subparagraphs 1. and 2., has 5 or more of any of the following,
 199 at least 3 of which must have been for felony offenses or
 200 delinquent acts that would have been felonies if committed by an

201 adult:

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

204 b. An adjudication; or

205 c. An adjudication withheld.

206
207 As used in this subparagraph, the term "arrest event" means an
208 arrest or referral for one or more criminal offenses or
209 delinquent acts arising out of the same episode, act, or
210 transaction.

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

225 (c) Except as provided in s. 790.22(8) or ~~in~~ s. 985.27,

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

242 | Section 4. Subsections (1) through (4) of section 985.26,
243 | Florida Statutes, are amended to read:

244 | 985.26 Length of detention.—

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

251 and the Florida Rules of Appellate Procedure. Appeals of such
252 orders shall take precedence over other appeals and other
253 pending matters.

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

259 (b) However, Upon good cause being shown that the nature of
260 the charge requires additional time for the prosecution or
261 defense of the case, the court may extend the length of
262 detention for an additional 9 days if the child is charged with
263 an offense that would be, if committed by an adult, a capital
264 felony, a life felony, a felony of the first degree, or a felony
265 of the second degree involving violence against any individual.

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

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

275 2. Fifteen days after the entry of an order of

276 adjudication.

277

278 As used in this paragraph, the term "disposition" means a
279 declination to file under s. 985.15(1)(h), the entry of nolle
280 prosequi for the charges, the filing of an indictment under s.
281 985.56 or an information under s. 985.557, a dismissal of the
282 case, or an order of final disposition by the court.

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

286 (4)(a) The time limits in subsections (2) and (3) do not
287 include periods of delay resulting from a continuance granted by
288 the court for cause on motion of the child or his or her counsel
289 or of the state. Upon the issuance of an order granting a
290 continuance for cause on a motion by either the child, the
291 child's counsel, or the state, the court shall conduct a hearing
292 at the end of each 72-hour period, excluding Saturdays, Sundays,
293 and legal holidays, to determine the need for continued
294 detention of the child and the need for further continuance of
295 proceedings for the child or the state.

296 (b) The period for nonsecure detention care under this
297 section is tolled on the date that the department or a law
298 enforcement officer alleges that the child has violated a
299 condition of the child's nonsecure detention care until the
300 court enters a ruling on the violation. Notwithstanding the

301 tolling of nonsecure detention care, the court retains
 302 jurisdiction over the child for a violation of a condition of
 303 nonsecure detention care during the tolling period. If the court
 304 finds that a child has violated his or her nonsecure detention
 305 care, the number of days that the child served in any type of
 306 detention care before commission of the violation shall be
 307 excluded from the time limits under subsections (2) and (3).

308 Section 5. 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 6. Section 985.27, Florida Statutes, is amended to
 319 read:

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~~
349 ~~residential program, the child must be held in secure detention~~
350 ~~care until 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 7. 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 a prolific juvenile offender under s.
371 985.255(1) (j), the adjudicatory hearing must be held within 45
372 days after the child is taken into custody unless a delay is
373 requested by the child.

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

376 985.514 Responsibility for cost of care; fees.-

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

382 Section 9. For the purpose of incorporating the amendments
 383 made by this act to sections 984.25, 985.255, and 985.26,
 384 Florida Statutes, in references thereto, subsection (8) of
 385 section 790.22, Florida Statutes, is reenacted to read:

386 790.22 Use of BB guns, air or gas-operated guns, or
 387 electric weapons or devices by minor under 16; limitation;
 388 possession of firearms by minor under 18 prohibited; penalties.-

389 (8) Notwithstanding s. 985.24 or s. 985.25(1), if a minor
 390 is charged with an offense that involves the use or possession
 391 of a firearm, including a violation of subsection (3), or is
 392 charged for any offense during the commission of which the minor
 393 possessed a firearm, the minor shall be detained in secure
 394 detention, unless the state attorney authorizes the release of
 395 the minor, and shall be given a hearing within 24 hours after
 396 being taken into custody. At the hearing, the court may order
 397 that the minor continue to be held in secure detention in
 398 accordance with the applicable time periods specified in s.
 399 985.26(1)-(5), if the court finds that the minor meets the
 400 criteria specified in s. 985.255, or if the court finds by clear

401 and convincing evidence that the minor is a clear and present
402 danger to himself or herself or the community. The Department of
403 Juvenile Justice shall prepare a form for all minors charged
404 under this subsection which states the period of detention and
405 the relevant demographic information, including, but not limited
406 to, the gender, age, and race of the minor; whether or not the
407 minor was represented by private counsel or a public defender;
408 the current offense; and the minor's complete prior record,
409 including any pending cases. The form shall be provided to the
410 judge for determining whether the minor should be continued in
411 secure detention under this subsection. An order placing a minor
412 in secure detention because the minor is a clear and present
413 danger to himself or herself or the community must be in
414 writing, must specify the need for detention and the benefits
415 derived by the minor or the community by placing the minor in
416 secure detention, and must include a copy of the form provided
417 by the department.

418 Section 10. For the purpose of incorporating the amendment
419 made by this act to sections 985.255 and 985.26, Florida
420 Statutes, in references thereto, subsection (2) of section
421 985.115, Florida Statutes, is reenacted to read:

422 985.115 Release or delivery from custody.—

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

426 child as follows:

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

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

444 (c) If the child is believed to be suffering from a
445 serious physical condition which requires either prompt
446 diagnosis or prompt treatment, to a law enforcement officer who
447 shall deliver the child to a hospital for necessary evaluation
448 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 11. For the purpose of incorporating the amendment
464 made by this act to sections 985.255 and 985.26, Florida
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 12. 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
 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 13. 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.
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 14. 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
537 reasonable grounds to believe that any delinquent child
538 committed to the department has escaped from a residential
539 commitment facility or from being lawfully transported thereto
540 or therefrom, or has absconded from a nonresidential commitment
541 facility, the agent shall notify law enforcement and, if the
542 offense would require notification under chapter 960, notify the
543 victim. The agent shall make every reasonable effort as
544 permitted within existing resources provided to the department
545 to locate the delinquent child, and the child may be returned to
546 the facility or, if it is closer, to a detention center for
547 return to the facility. However, a child may not be held in
548 detention longer than 24 hours, excluding Saturdays, Sundays,
549 and legal holidays, unless a special order so directing is made
550 by the judge after a detention hearing resulting in a finding

551 that detention is required based on the criteria in s. 985.255.
552 The order shall state the reasons for such finding. The reasons
553 shall be reviewable by appeal or in habeas corpus proceedings in
554 the district court of appeal.

555 Section 15. 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 16. The sums of \$2,984,241 in recurring funds from
569 the General Revenue Fund and \$2,885,448 in recurring funds from
570 the Shared County/State Juvenile Detention Trust Fund are
571 appropriated to the Department of Juvenile Justice for the 2017-
572 2018 fiscal year for the purpose of implementing this act.

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