

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 an  
10          additional circumstance under which the court may  
11          order continued detention; providing criteria for a  
12          child to be a prolific juvenile offender; defining the  
13          term "arrest event"; specifying certain information  
14          and criteria that may be considered by a court only  
15          when determining whether a prolific juvenile offender  
16          should be held in secure detention; conforming  
17          provisions to changes made by the act; amending s.  
18          985.26, F.S.; revising terminology; requiring the  
19          court to place a prolific juvenile offender in certain  
20          detention care under a special detention order until  
21          disposition; specifying time limitations for secure  
22          detention for a prolific juvenile offender; defining  
23          the term "disposition"; providing for the tolling of  
24          nonsecure detention care for an alleged violation of  
25          such detention care; providing for the retention of

26 jurisdiction by the court over a child during the  
27 tolling period; revising the calculation of detention  
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; revising the  
40 circumstances under which an adjudication of  
41 delinquency for a felony disqualifies a person from  
42 possessing a firearm; amending s. 985.514, F.S.;  
43 revising terminology; reenacting s. 790.22(8), F.S.,  
44 relating to secure detention for minors charged with  
45 an offense involving BB guns, air or gas-operated  
46 guns, or electric weapons or devices, to incorporate  
47 the amendments made by the act to ss. 985.25, 985.255,  
48 and 985.26, F.S., in references thereto; reenacting s.  
49 985.115(2), F.S., relating to release or delivery from  
50 custody, to incorporate the amendments made by the act

51 to ss. 985.255 and 985.26, F.S., in references  
 52 thereto; reenacting s. 985.13(2), F.S., relating to  
 53 probable cause affidavits, to incorporate the  
 54 amendments made by the act to ss. 985.255 and 985.26,  
 55 F.S., in references thereto; reenacting s.  
 56 985.245(2)(b), F.S., relating to risk assessment  
 57 instruments, to incorporate the amendment made by this  
 58 act to s. 985.255, F.S., in a reference thereto;  
 59 reenacting s. 985.255(2), F.S., relating to detention  
 60 criteria and hearings, to incorporate the amendment  
 61 made by this act to s. 985.26, F.S., in a reference  
 62 thereto; reenacting s. 985.275(1), F.S., relating to  
 63 detention of an escapee or absconder, to incorporate  
 64 the amendment made by this act to s. 985.255, F.S., in  
 65 a reference thereto; reenacting s. 985.319(6), F.S.,  
 66 relating to process and service, to incorporate the  
 67 amendment made by this act to s. 985.255, F.S., in a  
 68 reference thereto; providing a declaration of  
 69 important state interest; providing an appropriation;  
 70 providing an effective date.

71

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

73

74 Section 1. Subsection (3) of section 382.0255, Florida  
 75 Statutes, is amended to read:

76 382.0255 Fees.—

77 (3) Fees shall be established by rule. However, until  
 78 rules are adopted, the fees assessed pursuant to this section  
 79 shall be the minimum fees cited. The fees established by rule  
 80 must be sufficient to meet the cost of providing the service.  
 81 All fees shall be paid by the person requesting the record, are  
 82 due and payable at the time services are requested, and are  
 83 nonrefundable, except that, when a search is conducted and no  
 84 vital record is found, any fees paid for additional certified  
 85 copies shall be refunded. The department may waive all or part  
 86 of the fees required under this section for any government  
 87 entity. The department shall waive all fees required under this  
 88 section for a certified copy of a birth certificate issued for  
 89 purposes of an inmate acquiring a state identification card  
 90 before release pursuant to s. 944.605(7) and for a juvenile  
 91 offender who is in the custody or under the supervision of the  
 92 Department of Juvenile Justice and receiving services under s.  
 93 985.461.

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

96 985.25 Detention intake.—

97 (1) The department shall receive custody of a child who  
 98 has been taken into custody from the law enforcement agency or  
 99 court and shall review the facts in the law enforcement report  
 100 or probable cause affidavit and make such further inquiry as may

101 be necessary to determine whether detention care is appropriate.

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

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

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

124 (d) If the final score on the risk assessment instrument  
125 indicates detention is not appropriate, the child may be

126 released by the department in accordance with ss. 985.115 and  
127 985.13.

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

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

135 985.255 Detention criteria; detention hearing.—

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

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

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

148 (c) The child is charged with a delinquent act or  
149 violation of law and requests in writing through legal counsel  
150 to be detained for protection from an imminent physical threat

151 to his or her personal safety.

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

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

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

164 (g) The child is charged with any second degree or third  
165 degree felony involving a violation of chapter 893 or any third  
166 degree felony that is not also a crime of violence, and the  
167 child:

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

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

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

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

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

188 2. At two or more court hearings of any nature on the same  
189 case regardless of the results of the risk assessment  
190 instrument.

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

199 (j) The child is a prolific juvenile offender. A child is  
200 a prolific juvenile offender if the child:



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

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

207 3. In addition to meeting the requirements of  
 208 subparagraphs 1. and 2., has 5 or more of any of the following,  
 209 at least 3 of which must have been for felony offenses or  
 210 delinquent acts that would have been felonies if committed by an  
 211 adult:

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

214 b. An adjudication; or

215 c. An adjudication withheld.

216  
 217 As used in this subparagraph, the term "arrest event" means an  
 218 arrest or referral for one or more criminal offenses or  
 219 delinquent acts arising out of the same episode, act, or  
 220 transaction.

221 (3) (a) The purpose of the detention hearing required under  
 222 subsection (1) is to determine the existence of probable cause  
 223 that the child has committed the delinquent act or violation of  
 224 law that he or she is charged with and the need for continued  
 225 detention. Unless a child is detained under paragraph (1) (d) or

226 paragraph (1) (e), the court shall use the results of the risk  
227 assessment performed by the department and, based on the  
228 criteria in subsection (1), shall determine the need for  
229 continued detention. If the child is a prolific juvenile  
230 offender who is detained under s. 985.26(2)(c), the court shall  
231 use the results of the risk assessment performed by the  
232 department and the criteria in subsection (1) or subsection (2)  
233 only to determine whether the prolific juvenile offender should  
234 be held in secure detention.

235 (b) If the court orders a placement more restrictive than  
236 indicated by the results of the risk assessment instrument, the  
237 court shall state, in writing, clear and convincing reasons for  
238 such placement.

239 (c) Except as provided in s. 790.22(8) or ~~in~~ s. 985.27,  
240 when a child is placed into ~~secure or nonsecure~~ detention care,  
241 or into a respite home or other placement pursuant to a court  
242 order following a hearing, the court order must include specific  
243 instructions that direct the release of the child from such  
244 placement no later than 5 p.m. on the last day of the detention  
245 period specified in s. 985.26 or s. 985.27, whichever is  
246 applicable, unless the requirements of such applicable provision  
247 have been met or an order of continuance has been granted under  
248 s. 985.26(4). If the court order does not include a release  
249 date, the release date shall be requested from the court on the  
250 same date that the child is placed in detention care. If a

251 subsequent hearing is needed to provide additional information  
252 to the court for safety planning, the initial order placing the  
253 child in detention care shall reflect the next detention review  
254 hearing, which shall be held within 3 calendar days after the  
255 child's initial detention placement.

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

258 985.26 Length of detention.—

259 (1) A child may not be placed into or held in ~~secure or~~  
260 ~~nonsecure~~ detention care for longer than 24 hours unless the  
261 court orders such detention care, and the order includes  
262 specific instructions that direct the release of the child from  
263 such detention care, in accordance with s. 985.255. The order  
264 shall be a final order, reviewable by appeal under s. 985.534  
265 and the Florida Rules of Appellate Procedure. Appeals of such  
266 orders shall take precedence over other appeals and other  
267 pending matters.

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

273 (b) ~~However,~~ Upon good cause being shown that the nature of  
274 the charge requires additional time for the prosecution or  
275 defense of the case, the court may extend the length of

276 detention for an additional 9 days if the child is charged with  
277 an offense that would be, if committed by an adult, a capital  
278 felony, a life felony, a felony of the first degree, or a felony  
279 of the second degree involving violence against any individual.

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

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

289 2. Fifteen days after the entry of an order of  
290 adjudication.

291  
292 As used in this paragraph, the term "disposition" means a  
293 declination to file under s. 985.15(1)(h), the entry of nolle  
294 prosequi for the charges, the filing of an indictment under s.  
295 985.56 or an information under s. 985.557, a dismissal of the  
296 case, or an order of final disposition by the court.

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

300 (4) (a) The time limits in subsections (2) and (3) do not

301 include periods of delay resulting from a continuance granted by  
302 the court for cause on motion of the child or his or her counsel  
303 or of the state. Upon the issuance of an order granting a  
304 continuance for cause on a motion by either the child, the  
305 child's counsel, or the state, the court shall conduct a hearing  
306 at the end of each 72-hour period, excluding Saturdays, Sundays,  
307 and legal holidays, to determine the need for continued  
308 detention of the child and the need for further continuance of  
309 proceedings for the child or the state.

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

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

324 985.265 Detention transfer and release; education; adult  
325 jails.—

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

332 Section 6. Section 985.27, Florida Statutes, is amended to  
333 read:

334 985.27 Postdisposition detention while awaiting  
335 residential commitment placement.-

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

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

351 ~~entry of the commitment order, excluding Saturdays, Sundays, and~~  
352 ~~legal holidays, and except as otherwise provided in this~~  
353 ~~section. A child who is placed in nonsecure detention care or~~  
354 ~~nonsecure detention care with electronic monitoring, while~~  
355 ~~awaiting placement in a nonsecure residential program, may be~~  
356 ~~held in secure detention care for 5 days, if the child violates~~  
357 ~~the conditions of the nonsecure detention care or the electronic~~  
358 ~~monitoring agreement. For any subsequent violation, the court~~  
359 ~~may impose an additional 5 days in secure detention care.~~

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

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

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

373 Section 7. Subsections (1) and (7) of section 985.35,  
374 Florida Statutes, are amended to read:

375 985.35 Adjudicatory hearings; withheld adjudications;

376 orders of adjudication.—

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

385       (b) If the child is a prolific juvenile offender under s.  
386 985.255(1) (j), the adjudicatory hearing must be held within 45  
387 days after the child is taken into custody unless a delay is  
388 requested by the child.

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

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

397       985.514 Responsibility for cost of care; fees.—

398       (1) When any child is placed into ~~secure or nonsecure~~  
399 detention care or into other placement for the purpose of being  
400 supervised by the department pursuant to a court order following



401 a detention hearing, the court shall order the child's parents  
402 to pay fees to the department as provided in s. 985.039.

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

407 790.22 Use of BB guns, air or gas-operated guns, or  
408 electric weapons or devices by minor under 16; limitation;  
409 possession of firearms by minor under 18 prohibited; penalties.—

410 (8) Notwithstanding s. 985.24 or s. 985.25(1), if a minor  
411 is charged with an offense that involves the use or possession  
412 of a firearm, including a violation of subsection (3), or is  
413 charged for any offense during the commission of which the minor  
414 possessed a firearm, the minor shall be detained in secure  
415 detention, unless the state attorney authorizes the release of  
416 the minor, and shall be given a hearing within 24 hours after  
417 being taken into custody. At the hearing, the court may order  
418 that the minor continue to be held in secure detention in  
419 accordance with the applicable time periods specified in s.  
420 985.26(1)-(5), if the court finds that the minor meets the  
421 criteria specified in s. 985.255, or if the court finds by clear  
422 and convincing evidence that the minor is a clear and present  
423 danger to himself or herself or the community. The Department of  
424 Juvenile Justice shall prepare a form for all minors charged  
425 under this subsection which states the period of detention and

426 the relevant demographic information, including, but not limited  
427 to, the gender, age, and race of the minor; whether or not the  
428 minor was represented by private counsel or a public defender;  
429 the current offense; and the minor's complete prior record,  
430 including any pending cases. The form shall be provided to the  
431 judge for determining whether the minor should be continued in  
432 secure detention under this subsection. An order placing a minor  
433 in secure detention because the minor is a clear and present  
434 danger to himself or herself or the community must be in  
435 writing, must specify the need for detention and the benefits  
436 derived by the minor or the community by placing the minor in  
437 secure detention, and must include a copy of the form provided  
438 by the department.

439 Section 10. For the purpose of incorporating the amendment  
440 made by this act to sections 985.255 and 985.26, Florida  
441 Statutes, in references thereto, subsection (2) of section  
442 985.115, Florida Statutes, is reenacted to read:

443 985.115 Release or delivery from custody.—

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

448 (a) To the child's parent, guardian, or legal custodian  
449 or, if the child's parent, guardian, or legal custodian is  
450 unavailable, unwilling, or unable to provide supervision for the

451 child, to any responsible adult. Prior to releasing the child to  
452 a responsible adult, other than the parent, guardian, or legal  
453 custodian, the person taking the child into custody may conduct  
454 a criminal history background check of the person to whom the  
455 child is to be released. If the person has a prior felony  
456 conviction, or a conviction for child abuse, drug trafficking,  
457 or prostitution, that person is not a responsible adult for the  
458 purposes of this section. The person to whom the child is  
459 released shall agree to inform the department or the person  
460 releasing the child of the child's subsequent change of address  
461 and to produce the child in court at such time as the court may  
462 direct, and the child shall join in the agreement.

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

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

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

474 (e) If the child appears to be intoxicated and has  
475 threatened, attempted, or inflicted physical harm on himself or

476 herself or another, or is incapacitated by substance abuse, to a  
477 law enforcement officer who shall deliver the child to a  
478 hospital, addictions receiving facility, or treatment resource.

479 (f) If available, to a juvenile assessment center equipped  
480 and staffed to assume custody of the child for the purpose of  
481 assessing the needs of the child in custody. The center may then  
482 release or deliver the child under this section with a copy of  
483 the assessment.

484 Section 11. For the purpose of incorporating the amendment  
485 made by this act to sections 985.255 and 985.26, Florida  
486 Statutes, in references thereto, subsection (2) of section  
487 985.13, Florida Statutes, is reenacted to read:

488 985.13 Probable cause affidavits.—

489 (2) A person taking a child into custody who determines,  
490 under part V, that the child should be detained or released to a  
491 shelter designated by the department, shall make a reasonable  
492 effort to immediately notify the parent, guardian, or legal  
493 custodian of the child and shall, without unreasonable delay,  
494 deliver the child to the appropriate juvenile probation officer  
495 or, if the court has so ordered under s. 985.255 or s. 985.26,  
496 to a detention center or facility. Upon delivery of the child,  
497 the person taking the child into custody shall make a written  
498 report or probable cause affidavit to the appropriate juvenile  
499 probation officer. Such written report or probable cause  
500 affidavit must:

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

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

507 Section 12. For the purpose of incorporating the amendment  
 508 made by this act to section 985.255, Florida Statutes, in a  
 509 reference thereto, paragraph (b) of subsection (2) of section  
 510 985.245, Florida Statutes, is reenacted to read:

511 985.245 Risk assessment instrument.—

512 (2)

513 (b) The risk assessment instrument shall take into  
 514 consideration, but need not be limited to, prior history of  
 515 failure to appear, prior offenses, offenses committed pending  
 516 adjudication, any unlawful possession of a firearm, theft of a  
 517 motor vehicle or possession of a stolen motor vehicle, and  
 518 probation status at the time the child is taken into custody.  
 519 The risk assessment instrument shall also take into  
 520 consideration appropriate aggravating and mitigating  
 521 circumstances, and shall be designed to target a narrower  
 522 population of children than s. 985.255. The risk assessment  
 523 instrument shall also include any information concerning the  
 524 child's history of abuse and neglect. The risk assessment shall  
 525 indicate whether detention care is warranted, and, if detention

526 care is warranted, whether the child should be placed into  
527 secure or nonsecure detention care.

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

532 985.255 Detention criteria; detention hearing.—

533 (2) A child who is charged with committing an offense that  
534 is classified as an act of domestic violence as defined in s.  
535 741.28 and whose risk assessment instrument indicates secure  
536 detention is not appropriate may be held in secure detention if  
537 the court makes specific written findings that:

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

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

541  
542 The child may not be held in secure detention under this  
543 subsection for more than 48 hours unless ordered by the court.  
544 After 48 hours, the court shall hold a hearing if the state  
545 attorney or victim requests that secure detention be continued.  
546 The child may continue to be held in detention care if the court  
547 makes a specific, written finding that detention care is  
548 necessary to protect the victim from injury. However, the child  
549 may not be held in detention care beyond the time limits set  
550 forth in this section or s. 985.26.

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

555 985.275 Detention of escapee or absconder on authority of  
556 the department.—

557 (1) If an authorized agent of the department has  
558 reasonable grounds to believe that any delinquent child  
559 committed to the department has escaped from a residential  
560 commitment facility or from being lawfully transported thereto  
561 or therefrom, or has absconded from a nonresidential commitment  
562 facility, the agent shall notify law enforcement and, if the  
563 offense would require notification under chapter 960, notify the  
564 victim. The agent shall make every reasonable effort as  
565 permitted within existing resources provided to the department  
566 to locate the delinquent child, and the child may be returned to  
567 the facility or, if it is closer, to a detention center for  
568 return to the facility. However, a child may not be held in  
569 detention longer than 24 hours, excluding Saturdays, Sundays,  
570 and legal holidays, unless a special order so directing is made  
571 by the judge after a detention hearing resulting in a finding  
572 that detention is required based on the criteria in s. 985.255.  
573 The order shall state the reasons for such finding. The reasons  
574 shall be reviewable by appeal or in habeas corpus proceedings in  
575 the district court of appeal.

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

580 985.319 Process and service.—

581 (6) If the petition alleges that the child has committed a  
582 delinquent act or violation of law and the judge deems it  
583 advisable to do so, under the criteria of s. 985.255, the judge  
584 may, by endorsement upon the summons and after the entry of an  
585 order in which valid reasons are specified, order the child to  
586 be taken into custody immediately, and in such case the person  
587 serving the summons shall immediately take the child into  
588 custody.

589 Section 16. The Legislature determines and declares that  
590 this act fulfills an important state interest.

591 Section 17. The sums of \$2,984,241 in recurring funds from  
592 the General Revenue Fund and \$2,885,448 in recurring funds from  
593 the Shared County/State Juvenile Detention Trust Fund are  
594 appropriated to the Department of Juvenile Justice for the 2017-  
595 2018 fiscal year for the purpose of implementing this act.

596 Section 18. This act shall take effect October 1, 2017.