

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 a prolific juvenile offender does not require a
7 risk assessment to be placed in detention care;
8 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 a prolific juvenile offender; defining the term
14 "arrest event"; conforming provisions; amending s.
15 985.26, F.S.; revising terminology; requiring the
16 court to place a prolific juvenile offender in secure
17 detention care under a special detention order until
18 disposition; defining the term "disposition"; revising
19 terminology; providing for the tolling of the period
20 of detention care for an alleged violation of
21 detention care; providing for the retention of
22 jurisdiction by the court over a child during the
23 tolling period; revising the calculation of detention
24 days served if a child violates detention care;
25 amending s. 985.265, F.S.; revising terminology;

26 | amending s. 985.27, F.S.; requiring secure detention
27 | for all children awaiting placement in a commitment
28 | program until the placement or commitment is
29 | accomplished; amending s. 985.35, F.S.; requiring the
30 | adjudicatory hearing for a child who is a prolific
31 | juvenile offender to be held within a specified period
32 | unless such child requests a delay; amending s.
33 | 985.514, F.S.; revising terminology; reenacting s.
34 | 790.22(8), F.S., relating to secure detention for
35 | minors charged with an offense involving firearms, to
36 | incorporate the amendments made by the act to ss.
37 | 985.24, 985.25, 985.255, and 985.26, F.S., in
38 | references thereto; reenacting s. 985.115(2), F.S.,
39 | relating to release or delivery from custody, to
40 | incorporate the amendments made by the act to ss.
41 | 985.255 and 985.26, F.S., in references thereto;
42 | reenacting s. 985.13(2), F.S., relating to probable
43 | cause affidavits, to incorporate the amendments made
44 | by the act to ss. 985.255 and 985.26, F.S., in
45 | references thereto; reenacting s. 985.245(2)(b), F.S.,
46 | relating to risk assessment instruments, to
47 | incorporate the amendment made by this act to s.
48 | 985.255, F.S., in a reference thereto; reenacting s.
49 | 985.255(2), F.S., relating to detention criteria and
50 | hearings, to incorporate the amendment made by this

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

59 Be It Enacted by the Legislature of the State of Florida:
 60

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

65 985.24 Use of detention; prohibitions.—

66 (1) All determinations and court orders regarding the use
 67 of detention care shall be based primarily upon findings that
 68 the child:

69 (d) Has committed contempt of court by:

70 1. Intentionally disrupting the administration of the
 71 court;

72 2. Intentionally disobeying a court order; or

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

76 (e) Requests protection from imminent bodily harm; or
 77 (f) Is at risk for recidivism.

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

81 (a) To allow a parent to avoid his or her legal
 82 responsibility.

83 (b) To permit more convenient administrative access to the
 84 child.

85 (c) To facilitate further interrogation or investigation.

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

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

89 985.245 Risk assessment instrument.—

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

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

98 985.25 Detention intake.—

99 (1) The department shall receive custody of a child who
 100 has been taken into custody from the law enforcement agency or

101 court and shall review the facts in the law enforcement report
102 or probable cause affidavit and make such further inquiry as may
103 be necessary to determine whether detention care is appropriate.

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

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

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

126 (d) If the final score on the risk assessment instrument
 127 indicates detention is not appropriate, the child may be
 128 released by the department in accordance with ss. 985.115 and
 129 985.13.

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

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

138 985.255 Detention criteria; detention hearing.—

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

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

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

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

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

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

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

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

- 171 1. Has a record of failure to appear at court hearings
172 after being properly notified in accordance with the Rules of
173 Juvenile Procedure;
- 174 2. Has a record of law violations prior to court hearings;
- 175 3. Has already been detained or has been released and is

176 awaiting final disposition of the case;

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

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

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

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

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

191 2. At two or more court hearings of any nature on the same
192 case regardless of the results of the risk assessment
193 instrument.

194

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

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201 the child's nonappearance at the hearings.

202 (j) The child is a prolific juvenile offender. A child is
203 a prolific juvenile offender if the child:

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

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

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

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

217 b. An adjudication; or

218 c. An adjudication withheld.

219

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

224 (3) (a) The purpose of the detention hearing required under
225 subsection (1) is to determine the existence of probable cause

226 that the child has committed the delinquent act or violation of
227 law that he or she is charged with and the need for continued
228 detention. Unless a child is detained under paragraph (1)(d), ~~or~~
229 paragraph (1)(e), or paragraph (1)(j), the court shall use the
230 results of the risk assessment performed by the department and,
231 based on the criteria in subsection (1), shall determine the
232 need for continued detention.

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

250 Section 5. Subsections (1) through (4) of section 985.26,

251 Florida Statutes, are amended to read:

252 985.26 Length of detention.—

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

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

274 (b) A prolific juvenile offender under s. 985.255(1)(j)
275 shall be held in secure detention care under a special detention

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

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

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

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

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

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

309 985.265 Detention transfer and release; education; adult
310 jails.—

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

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

319 985.27 Postdisposition detention while awaiting commitment
320 placement.—

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

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

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

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

350 ~~(2) Regardless of detention status, a child being~~

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

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

359 985.35 Adjudicatory hearings; withheld adjudications;
360 orders of adjudication.—

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

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

374 Section 9. 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 10. For the purpose of incorporating the
 383 amendments made by this act to sections 985.24, 984.25, 985.255,
 384 and 985.26, Florida Statutes, in references thereto, subsection
 385 (8) of 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 11. 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 12. 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 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
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.
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
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

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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 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.