

By the Committee on Appropriations; and Senator Latvala

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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 a birth certificate issued to certain  
5       juvenile offenders; amending s. 985.25, F.S.; revising  
6       terminology; requiring that a child who meets  
7       specified criteria 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

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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; providing a declaration of  
43 important state interest; amending s. 985.514, F.S.;  
44 revising terminology; reenacting s. 790.22(8), F.S.,  
45 relating to secure detention for minors charged with  
46 an offense involving BB guns, air or gas-operated  
47 guns, or electric weapons or devices, to incorporate  
48 the amendments made by the act to ss. 985.25, 985.255,  
49 and 985.26, F.S., in references thereto; reenacting s.  
50 985.115(2), F.S., relating to release or delivery from  
51 custody, to incorporate the amendments made by the act  
52 to ss. 985.255 and 985.26, F.S., in references  
53 thereto; reenacting s. 985.13(2), F.S., relating to  
54 probable cause affidavits, to incorporate the  
55 amendments made by the act to ss. 985.255 and 985.26,  
56 F.S., in references thereto; reenacting s.  
57 985.245(2)(b), F.S., relating to risk assessment  
58 instruments, to incorporate the amendment made by this

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59 act to s. 985.255, F.S., in a reference thereto;  
60 reenacting s. 985.255(2), F.S., relating to detention  
61 criteria and hearings, to incorporate the amendment  
62 made by this act to s. 985.26, F.S., in a reference  
63 thereto; reenacting s. 985.275(1), F.S., relating to  
64 detention of an escapee or absconder, to incorporate  
65 the amendment made by this act to s. 985.255, F.S., in  
66 a reference thereto; reenacting s. 985.319(6), F.S.,  
67 relating to process and service, to incorporate the  
68 amendment made by this act to s. 985.255, F.S., in a  
69 reference thereto; 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 rules  
78 are adopted, the fees assessed pursuant to this section shall be  
79 the minimum fees cited. The fees established by rule must be  
80 sufficient to meet the cost of providing the service. All fees  
81 shall be paid by the person requesting the record, are due and  
82 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

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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 has  
98 been taken into custody from the law enforcement agency or court  
99 and shall review the facts in the law enforcement report or  
100 probable cause affidavit and make such further inquiry as may be  
101 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 place  
108 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

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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 and  
137 placed into ~~secure or nonsecure~~ detention care shall be given a  
138 hearing within 24 hours after being taken into custody. At the  
139 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.

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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 violation  
149 of law and requests in writing through legal counsel to be  
150 detained for protection from an imminent physical threat to his  
151 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

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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 of  
178 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 a  
200 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

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204 felony offense, or a 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 subparagraphs  
208 1. and 2., has five or more of any of the following, at least  
209 three of which must have been for felony offenses or delinquent  
210 acts that would have been felonies if committed by an adult:

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

213 b. An adjudication; or

214 c. An adjudication withheld.

215  
216 As used in this subparagraph, the term "arrest event" means an  
217 arrest or referral for one or more criminal offenses or  
218 delinquent acts arising out of the same episode, act, or  
219 transaction.

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



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233 in secure detention.

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

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

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

257 985.26 Length of detention.—

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

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

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

272 (b) However, Upon good cause being shown that the nature of  
273 the charge requires additional time for the prosecution or  
274 defense of the case, the court may extend the length of  
275 detention for an additional 9 days if the child is charged with  
276 an offense that would be, if committed by an adult, a capital  
277 felony, a life felony, a felony of the first degree, or a felony  
278 of the second degree involving violence against any individual.

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

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

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

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

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

299 (4) (a) The time limits in subsections (2) and (3) do not  
300 include periods of delay resulting from a continuance granted by  
301 the court for cause on motion of the child or his or her counsel  
302 or of the state. Upon the issuance of an order granting a  
303 continuance for cause on a motion by either the child, the  
304 child's counsel, or the state, the court shall conduct a hearing  
305 at the end of each 72-hour period, excluding Saturdays, Sundays,  
306 and legal holidays, to determine the need for continued  
307 detention of the child and the need for further continuance of  
308 proceedings for the child or the state.

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

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320 excluded from the time limits under subsections (2) and (3).

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

323 985.265 Detention transfer and release; education; adult  
324 jails.-

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

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

333 985.27 Postdisposition detention while awaiting residential  
334 commitment placement.-

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

341 ~~(a) A child who is awaiting placement in a nonsecure~~  
342 ~~residential program must be removed from detention within 5~~  
343 ~~days, excluding Saturdays, Sundays, and legal holidays. Any~~  
344 ~~child held in secure detention during the 5 days must meet~~  
345 ~~detention admission criteria under this part. The department may~~  
346 ~~seek an order from the court authorizing continued detention for~~  
347 ~~a specific period of time necessary for the appropriate~~  
348 ~~residential placement of the child. However, such continued~~

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349 ~~detention in secure detention care may not exceed 15 days after~~  
350 ~~entry of the commitment order, excluding Saturdays, Sundays, and~~  
351 ~~legal holidays, and except as otherwise provided in this~~  
352 ~~section. A child who is placed in nonsecure detention care or~~  
353 ~~nonsecure detention care with electronic monitoring, while~~  
354 ~~awaiting placement in a nonsecure residential program, may be~~  
355 ~~held in secure detention care for 5 days, if the child violates~~  
356 ~~the conditions of the nonsecure detention care or the electronic~~  
357 ~~monitoring agreement. For any subsequent violation, the court~~  
358 ~~may impose an additional 5 days in secure detention care.~~

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

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

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

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

374 985.35 Adjudicatory hearings; withheld adjudications;  
375 orders of adjudication.—

376 (1) (a) Except as provided in paragraph (b), the  
377 adjudicatory hearing must be held as soon as practicable after

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378 the petition alleging that a child has committed a delinquent  
379 act or violation of law is filed and in accordance with the  
380 Florida Rules of Juvenile Procedure; but reasonable delay for  
381 the purpose of investigation, discovery, or procuring counsel or  
382 witnesses shall be granted. If the child is being detained, the  
383 time limitations in s. 985.26(2) and (3) apply.

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

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

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

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

398 985.514 Responsibility for cost of care; fees.—

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

404 Section 10. For the purpose of incorporating the amendments  
405 made by this act to sections 985.25, 985.255, and 985.26,  
406 Florida Statutes, in references thereto, subsection (8) of

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407 section 790.22, Florida Statutes, is reenacted to read:

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

411 (8) Notwithstanding s. 985.24 or s. 985.25(1), if a minor  
412 is charged with an offense that involves the use or possession  
413 of a firearm, including a violation of subsection (3), or is  
414 charged for any offense during the commission of which the minor  
415 possessed a firearm, the minor shall be detained in secure  
416 detention, unless the state attorney authorizes the release of  
417 the minor, and shall be given a hearing within 24 hours after  
418 being taken into custody. At the hearing, the court may order  
419 that the minor continue to be held in secure detention in  
420 accordance with the applicable time periods specified in s.  
421 985.26(1)-(5), if the court finds that the minor meets the  
422 criteria specified in s. 985.255, or if the court finds by clear  
423 and convincing evidence that the minor is a clear and present  
424 danger to himself or herself or the community. The Department of  
425 Juvenile Justice shall prepare a form for all minors charged  
426 under this subsection which states the period of detention and  
427 the relevant demographic information, including, but not limited  
428 to, the gender, age, and race of the minor; whether or not the  
429 minor was represented by private counsel or a public defender;  
430 the current offense; and the minor's complete prior record,  
431 including any pending cases. The form shall be provided to the  
432 judge for determining whether the minor should be continued in  
433 secure detention under this subsection. An order placing a minor  
434 in secure detention because the minor is a clear and present  
435 danger to himself or herself or the community must be in

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436 writing, must specify the need for detention and the benefits  
437 derived by the minor or the community by placing the minor in  
438 secure detention, and must include a copy of the form provided  
439 by the department.

440 Section 11. For the purpose of incorporating the amendments  
441 made by this act to sections 985.255 and 985.26, Florida  
442 Statutes, in references thereto, subsection (2) of section  
443 985.115, Florida Statutes, is reenacted to read:

444 985.115 Release or delivery from custody.—

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

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

464 (b) Contingent upon specific appropriation, to a shelter



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465 approved by the department or to an authorized agent.

466 (c) If the child is believed to be suffering from a serious  
467 physical condition which requires either prompt diagnosis or  
468 prompt treatment, to a law enforcement officer who shall deliver  
469 the child to a hospital for necessary evaluation 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 12. For the purpose of incorporating the amendments  
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,

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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 13. 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

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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 14. 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 15. For the purpose of incorporating the amendment

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

576 Section 16. 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.—

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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 17. For the 2017-2018 fiscal year, the sums of  
590 \$2,978,012 in recurring funds and \$2,978,012 in nonrecurring  
591 funds from the General Revenue Fund are appropriated to the  
592 Department of Juvenile Justice for the purpose of implementing  
593 this act.

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