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1
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

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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

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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:

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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

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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

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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

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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

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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:

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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

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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

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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

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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

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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.—

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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~~

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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;

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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

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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

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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

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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

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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:

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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

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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.

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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.

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

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