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LEGISLATIVE ACTION

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| Senate | . | House |
| Comm: RS | . | |
| 03/03/2021 | . | |
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The Committee on Children, Families, and Elder Affairs (Bracy) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 985.031, Florida Statutes, is created to
read:

985.031 Age limitation; exception.—

(1) This section may be cited as the "Kaia Rolle Act."

(2) A child younger than 7 years of age may not be
adjudicated delinquent, arrested, or charged with a violation of



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11 law or a delinquent act on the basis of acts occurring before he
12 or she reaches 7 years of age, unless the violation of law is a
13 forcible felony as defined in s. 776.08.

14 Section 2. Subsection (1) of section 985.101, Florida
15 Statutes, is amended, and subsections (5) and (6) are added to
16 that section, to read:

17 985.101 Taking a child into custody.-

18 (1) A child 15 years of age or older may be taken into
19 custody under any of the following circumstances:

20 (a) Pursuant to an order of the circuit court issued under
21 this chapter, based upon sworn testimony, either before or after
22 a petition is filed.

23 (b) For a delinquent act or violation of law, pursuant to
24 Florida law pertaining to a lawful arrest. If such delinquent
25 act or violation of law would be a felony if committed by an
26 adult or involves a crime of violence, the arresting authority
27 shall immediately notify the district school superintendent, or
28 the superintendent's designee, of the school district with
29 educational jurisdiction of the child. Such notification must
30 ~~shall~~ include other education providers, such as the Florida
31 School for the Deaf and the Blind, university developmental
32 research schools, and private elementary and secondary schools.
33 The information obtained by the superintendent of schools
34 pursuant to this section must be released within 48 hours after
35 receipt to appropriate school personnel, including the principal
36 of the child's school, or as otherwise provided by law. The
37 principal must immediately notify the child's immediate
38 classroom teachers. Information provided by an arresting
39 authority under this paragraph may not be placed in the



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40 student's permanent record and must ~~shall~~ be removed from all
41 school records no later than 9 months after the date of the
42 arrest.

43 (c) By a law enforcement officer for failing to appear at a
44 court hearing after being properly noticed.

45 (d) By a law enforcement officer who has probable cause to
46 believe that the child is in violation of the conditions of the
47 child's probation, supervised release detention, postcommitment
48 probation, or conditional release supervision; has absconded
49 from nonresidential commitment; or has escaped from residential
50 commitment.

51
52 This ~~Nothing in this~~ subsection may not ~~shall~~ be construed to
53 allow the detention of a child who does not meet the detention
54 criteria in part V of this chapter.

55 (5) A child 7 years of age or older but younger than 15
56 years of age may be taken into custody or arrested only under
57 any of the following circumstances:

58 (a) By a law enforcement officer for failing to appear at a
59 court hearing after being properly noticed.

60 (b) By a law enforcement officer who has probable cause to
61 believe that the child has absconded from nonresidential
62 commitment or has escaped from residential commitment.

63 (c) By a law enforcement officer who has probable cause to
64 believe that the child committed a delinquent act or violation
65 of law that resulted in the actual or threat of imminent serious
66 bodily injury to another individual.

67 (d) By a law enforcement officer who has probable cause to
68 believe that a forcible felony as defined in s. 776.08 has been



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69 committed.

70

71 This subsection may not be construed to allow the detention of a
72 child who does not meet the detention criteria in part V of this
73 chapter.

74 (6) A child 7 years of age or older enrolled in a public K-
75 12 school as defined in s. 1000.04(1) or private school as
76 defined in s. 1002.01(2) may be taken into custody or arrested
77 at the school he or she attends only under any the following
78 circumstances:

79 (a) By a law enforcement officer for failing to appear at a
80 court hearing after being properly noticed.

81 (b) By a law enforcement officer who has probable cause to
82 believe that the child committed a delinquent act or violation
83 of law that resulted in the actual or threat of imminent serious
84 bodily injury to another individual.

85 (c) By a law enforcement officer who has probable cause to
86 believe that a forcible felony as defined in s. 776.08 has been
87 committed.

88

89 This subsection may not be construed to allow the detention of a
90 child who does not meet the detention criteria in part V of this
91 chapter.

92 Section 3. Present subsection (4) of section 985.24,
93 Florida Statutes, is redesignated as subsection (5), and a new
94 subsection (4) is added to that section, to read:

95 985.24 Use of detention; prohibitions.—

96 (4) A child who is taken into custody pursuant to a
97 summons, an arrest warrant, or any other circuit court order



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98 that does not explicitly require detention must be treated in
99 the same manner as a child taken into custody under s.
100 985.101(1)(b) and may be detained only pursuant to a finding
101 under subsection (1).

102 Section 4. For the purpose of incorporating the amendment
103 made by this act to section 985.101, Florida Statutes, in a
104 reference thereto, paragraph (b) of subsection (1) of section
105 960.001, Florida Statutes, is reenacted to read:

106 960.001 Guidelines for fair treatment of victims and
107 witnesses in the criminal justice and juvenile justice systems.-

108 (1) The Department of Legal Affairs, the state attorneys,
109 the Department of Corrections, the Department of Juvenile
110 Justice, the Florida Commission on Offender Review, the State
111 Courts Administrator and circuit court administrators, the
112 Department of Law Enforcement, and every sheriff's department,
113 police department, or other law enforcement agency as defined in
114 s. 943.10(4) shall develop and implement guidelines for the use
115 of their respective agencies, which guidelines are consistent
116 with the purposes of this act and s. 16(b), Art. I of the State
117 Constitution and are designed to implement s. 16(b), Art. I of
118 the State Constitution and to achieve the following objectives:

119 (b) *Information for purposes of notifying victim or*
120 *appropriate next of kin of victim or other designated contact of*
121 *victim.-In the case of a homicide, pursuant to chapter 782; or a*
122 *sexual offense, pursuant to chapter 794; or an attempted murder*
123 *or sexual offense, pursuant to chapter 777; or stalking,*
124 *pursuant to s. 784.048; or domestic violence, pursuant to s.*
125 *25.385:*

126 1. The arresting law enforcement officer or personnel of an



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127 organization that provides assistance to a victim or to the
128 appropriate next of kin of the victim or other designated
129 contact must request that the victim or appropriate next of kin
130 of the victim or other designated contact complete a victim
131 notification card. However, the victim or appropriate next of
132 kin of the victim or other designated contact may choose not to
133 complete the victim notification card.

134 2. Unless the victim or the appropriate next of kin of the
135 victim or other designated contact waives the option to complete
136 the victim notification card, a copy of the victim notification
137 card must be filed with the incident report or warrant in the
138 sheriff's office of the jurisdiction in which the incident
139 report or warrant originated. The notification card shall, at a
140 minimum, consist of:

- 141 a. The name, address, and phone number of the victim; or
- 142 b. The name, address, and phone number of the appropriate
143 next of kin of the victim; or
- 144 c. The name, address, and telephone number of a designated
145 contact other than the victim or appropriate next of kin of the
146 victim; and
- 147 d. Any relevant identification or case numbers assigned to
148 the case.

149 3. The chief administrator, or a person designated by the
150 chief administrator, of a county jail, municipal jail, juvenile
151 detention facility, or residential commitment facility shall
152 make a reasonable attempt to notify the alleged victim or
153 appropriate next of kin of the alleged victim or other
154 designated contact within 4 hours following the release of the
155 defendant on bail or, in the case of a juvenile offender, upon



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156 the release from residential detention or commitment. If the
157 chief administrator, or designee, is unable to contact the
158 alleged victim or appropriate next of kin of the alleged victim
159 or other designated contact by telephone, the chief
160 administrator, or designee, must send to the alleged victim or
161 appropriate next of kin of the alleged victim or other
162 designated contact a written notification of the defendant's
163 release.

164 4. Unless otherwise requested by the victim or the
165 appropriate next of kin of the victim or other designated
166 contact, the information contained on the victim notification
167 card must be sent by the chief administrator, or designee, of
168 the appropriate facility to the subsequent correctional or
169 residential commitment facility following the sentencing and
170 incarceration of the defendant, and unless otherwise requested
171 by the victim or the appropriate next of kin of the victim or
172 other designated contact, he or she must be notified of the
173 release of the defendant from incarceration as provided by law.

174 5. If the defendant was arrested pursuant to a warrant
175 issued or taken into custody pursuant to s. 985.101 in a
176 jurisdiction other than the jurisdiction in which the defendant
177 is being released, and the alleged victim or appropriate next of
178 kin of the alleged victim or other designated contact does not
179 waive the option for notification of release, the chief
180 correctional officer or chief administrator of the facility
181 releasing the defendant shall make a reasonable attempt to
182 immediately notify the chief correctional officer of the
183 jurisdiction in which the warrant was issued or the juvenile was
184 taken into custody pursuant to s. 985.101, and the chief



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185 correctional officer of that jurisdiction shall make a
186 reasonable attempt to notify the alleged victim or appropriate
187 next of kin of the alleged victim or other designated contact,
188 as provided in this paragraph, that the defendant has been or
189 will be released.

190 Section 5. For the purpose of incorporating the amendment
191 made by this act to section 985.101, Florida Statutes, in a
192 reference thereto, subsection (2) of section 985.439, Florida
193 Statutes, is reenacted to read:

194 985.439 Violation of probation or postcommitment
195 probation.—

196 (2) A child taken into custody under s. 985.101 for
197 violating the conditions of probation shall be screened and
198 detained or released based on his or her risk assessment
199 instrument score.

200 Section 6. For the purpose of incorporating the amendment
201 made by this act to section 985.24, Florida Statutes, in a
202 reference thereto, subsection (1) of section 985.25, Florida
203 Statutes, is reenacted to read:

204 985.25 Detention intake.—

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

210 (a) During the period of time from the taking of the child
211 into custody to the date of the detention hearing, the initial
212 decision as to the child's placement into detention care shall
213 be made by the department under ss. 985.24 and 985.245(1).



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214 (b) The department shall base the decision whether to place
215 the child into detention care on an assessment of risk in
216 accordance with the risk assessment instrument and procedures
217 developed by the department under s. 985.245, except that a
218 child shall be placed in secure detention care until the child's
219 detention hearing if the child meets the criteria specified in
220 s. 985.255(1)(f) or is charged with possessing or discharging a
221 firearm on school property in violation of s. 790.115.

222 (c) If the final score on the child's risk assessment
223 instrument indicates detention care is appropriate, but the
224 department otherwise determines the child should be released,
225 the department shall contact the state attorney, who may
226 authorize release.

227 (d) If the final score on the risk assessment instrument
228 indicates detention is not appropriate, the child may be
229 released by the department in accordance with ss. 985.115 and
230 985.13.

231
232 Under no circumstances shall the department or the state
233 attorney or law enforcement officer authorize the detention of
234 any child in a jail or other facility intended or used for the
235 detention of adults, without an order of the court.

236 Section 7. This act shall take effect July 1, 2021.

237 ===== T I T L E A M E N D M E N T =====

238 And the title is amended as follows:

239 Delete everything before the enacting clause
240 and insert:

241 A bill to be entitled

242 An act relating to juvenile justice; creating s.



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243 985.031, F.S.; providing a short title; prohibiting a
244 child younger than a certain age from being
245 adjudicated delinquent, arrested, or charged with a
246 violation of law or a delinquent act; providing an
247 exception; amending s. 985.101, F.S.; authorizing
248 children of at least a specified age, rather than of
249 any age, to be taken into custody under certain
250 circumstances; authorizing children of specified ages
251 to be taken into custody or arrested only under
252 certain circumstances; providing construction;
253 authorizing a child enrolled in a public K-12 school
254 or private school to be taken into custody or arrested
255 at the school he or she attends only under certain
256 circumstances; providing construction; amending s.
257 985.24, F.S.; requiring that children who are taken
258 into custody pursuant to certain circuit court orders
259 be treated in a specified manner and be detained only
260 pursuant to specified findings; reenacting ss.
261 960.001(1)(b) and 985.439(2), F.S., both relating to
262 children being taken into custody, to incorporate the
263 amendment made to s. 985.101, F.S., in references
264 thereto; reenacting s. 985.25(1), F.S., relating to a
265 detention intake, to incorporate the amendment made to
266 s. 985.24, F.S., in a reference thereto; providing an
267 effective date.