

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Brannan offered the following:

Amendment (with directory and title amendments)

Remove lines 28-135 and insert:

6 (2) A child who is placed on supervised release detention
 7 care may be required to comply with any available condition
 8 established by the department or ordered by the court, including
 9 electronic monitoring, if the court finds such a condition is
 10 necessary to preserve public safety or to ensure the child's
 11 safety or appearance in court.

12 (4)~~(3)~~ A child who is alleged to be dependent under chapter
 13 39, but who is not alleged to have committed a delinquent act or
 14 violation of law, may not, under any circumstances, be placed
 15 into secure detention care.

Amendment No.1

16 Section 2. Subsections (2), (3), and (4) of section
17 985.26, Florida Statutes, are amended, and subsection (7) is
18 added to that section, to read:

19 985.26 Length of detention.—

20 (2)(a)1. A court may order a child to be placed on
21 supervised release detention care for any time period until the
22 adjudicatory hearing is completed. However, if a child has
23 served 60 days on supervised release detention care, the court
24 must conduct a hearing within 15 days after the 60th day, to
25 determine the need for continued supervised release detention
26 care. At the hearing, and upon good cause being shown that the
27 nature of the charge requires additional time for the
28 prosecution or defense of the case or the totality of the
29 circumstances, including the preservation of public safety,
30 warrant an extension, the court may order the child to remain on
31 supervised release detention care until the adjudicatory hearing
32 is completed.

33 2. Except as provided in paragraph (b) or paragraph (c), a
34 child may not be held in secure detention care under a special
35 detention order for more than 21 days unless an adjudicatory
36 hearing for the case has been commenced in good faith by the
37 court.

38 3. This section does not prohibit a court from
39 transitioning a child to and from secure detention care and
40 supervised release detention care, including electronic

Amendment No.1

41 monitoring, when the court finds such a placement necessary, or
42 no longer necessary, to preserve public safety or to ensure the
43 child's safety, appearance in court, or compliance with a court
44 order. Each period of secure detention care or supervised
45 release detention care counts toward the time limitations in
46 this subsection whether served consecutively or
47 nonconsecutively.

48 (b) Upon good cause being shown that the nature of the
49 charge requires additional time for the prosecution or defense
50 of the case or the totality of the circumstances, including the
51 preservation of public safety, warrant an extension, the court
52 may extend the length of secure detention care for an additional
53 up to an additional 21 9 days if the child is charged with an
54 offense which ~~that would be~~, if committed by an adult, would be
55 a capital felony, a life felony, a felony of the first degree or
56 the second degree, or a felony of the third ~~second~~ degree
57 involving violence against any individual. The court may
58 continue to extend the period of secure detention care in
59 increments of up to 21-days each by conducting a hearing before
60 the expiration of the current period to determine the need for
61 continued secure detention of the child. At the hearing, the
62 court must make the required findings in writing to extend the
63 period of secure detention. If the court extends the time period
64 for secure detention care, it shall ensure an adjudicatory
65 hearing for the case commences as soon as is reasonably possible

Amendment No.1

66 considering the totality of the circumstances. The court shall
67 prioritize the efficient disposition of cases in which the child
68 has served 60 or more days in secure detention care.

69 (c) A prolific juvenile offender under s. 985.255(1)(f)
70 shall be placed on supervised release detention care with
71 electronic monitoring or in secure detention care under a
72 special detention order until disposition. If secure detention
73 care is ordered by the court, it must be authorized under this
74 part and may not exceed:

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

78 2. Fifteen days after the entry of an order of
79 adjudication.

80

81 As used in this paragraph, the term "disposition" means a
82 declination to file under s. 985.15(1)(h), the entry of nolle
83 prosequi for the charges, the filing of an indictment under s.
84 985.56 or an information under s. 985.557, a dismissal of the
85 case, or an order of final disposition by the court.

86 (d) A prolific juvenile offender under s. 985.255(1)(f)
87 who is taken into custody for a violation of the conditions of
88 his or her supervised release detention must be held in secure
89 detention until a detention hearing is held.

Amendment No.1

90 (3) Except as provided in subsection (2), a child may not
91 be held in detention care for more than 15 days after ~~following~~
92 the entry of an order of adjudication.

93 (4)~~(a)~~ The time limits in subparagraph (2) (a)2.
94 ~~subsections (2)~~ and subsection (3) do not include periods of
95 delay resulting from a continuance granted by the court for
96 cause on motion of the child or his or her counsel or of the
97 state. Upon the issuance of an order granting a continuance for
98 cause on a motion by either the child, the child's counsel, or
99 the state, the court shall conduct a hearing at the end of each
100 72-hour period, excluding Saturdays, Sundays, and legal
101 holidays, to determine the need for continued secure detention
102 of the child and the need for further continuance of proceedings
103 for the child or the state.

104 ~~(b) The period for supervised release detention care under~~
105 ~~this section is tolled on the date that the department or a law~~
106 ~~enforcement officer alleges that the child has violated a~~
107 ~~condition of the child's supervised release detention care until~~
108 ~~the court enters a ruling on the violation. Notwithstanding the~~
109 ~~tolling of supervised release detention care, the court retains~~
110 ~~jurisdiction over the child for a violation of a condition of~~
111 ~~supervised release detention care during the tolling period. If~~
112 ~~the court finds that a child has violated his or her supervised~~
113 ~~release detention care, the number of days that the child served~~
114 ~~in any type of detention care before commission of the violation~~

736671 - h7029-line28.docx

Published On: 2/22/2022 6:42:35 PM

Amendment No.1

115 | ~~shall be excluded from the time limits under subsections (2) and~~
116 | ~~(3).~~

117 |
118 | -----

119 | **D I R E C T O R Y A M E N D M E N T**

120 | Remove lines 25-26 and insert:

121 | respectively, and a new subsection (2) is added to that section,
122 | and present subsection (3) is amended to read:

123 |
124 | -----

125 | **T I T L E A M E N D M E N T**

126 | Remove lines 6-18 and insert:

127 | specified conditions; authorizing a dependent child with an
128 | allegation of delinquency to be placed in secure detention care;
129 | amending s. 985.26, F.S.; authorizing a court to place a child
130 | on supervised release detention care for any time period;
131 | providing an exception; specifying the time period for which a
132 | court may order a child to be held in secure detention care
133 | under certain circumstances; authorizing a court to extend the
134 | time period for secure detention care under certain
135 | circumstances; requiring a court to make specified findings;
136 | requiring a court to conduct a hearing to determine the
137 | continued need for secure detention care in certain
138 | circumstances; revising time limitations resulting from a
139 | continuance; deleting provisions relating to supervised release

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 7029 (2022)

Amendment No.1

140 | detention care and its exclusion from specified time
141 | limitations; authorizing specified entities to conduct
142 |