

THE FLORIDA SENATE
2022 SUMMARY OF LEGISLATION PASSED
Committee on Appropriations

CS/HB 7029 — Time Limitations for Preadjudicatory Juvenile Detention Care

by Judiciary Committee; Criminal Justice and Public Safety Subcommittee; and Rep. Brannan and others (CS/SB 7040 by Rules Committee and Appropriations Committee)

The bill amends s. 985.24, F.S., providing that a child who is placed on supervised release detention care may be required to comply with any available condition established by the Department of Juvenile Justice (DJJ) or ordered by the court, including electronic monitoring, if the court finds such condition necessary to preserve public safety or to ensure the child's safety or appearance in court.

The bill clarifies that a child who is alleged to be dependent under ch. 39, F.S., but who is not alleged to have committed a delinquent act or violation of law, may not be placed into secure detention.

The bill authorizes a court to order a child be placed on supervised release detention care for any time period until an adjudicatory hearing for the case has been completed. If a child has served 60 days on supervised release detention care, the court must conduct a hearing within 15 days after the 60th day, to determine if continued supervised release detention care is warranted.

The bill specifies that, except in specified circumstances, a child may not be held in secure detention for longer than 21 days unless an adjudicatory hearing has been completed. Under current law, a child generally may not be held in secure or supervised release detention care for longer than 21 days, except in specified circumstances.

Additionally, the bill provides that the court may transition a child between secure detention care and supervised release detention care, including electronic monitoring, if the court finds such placement is necessary. Each period of secure detention care or supervised release detention care counts toward the time limitations, whether served consecutively or nonconsecutively.

Currently, upon a showing of good cause that additional time for the prosecution or defense is needed, the court may extend the length of detention for an additional 9 days, for specified offenses. The bill authorizes a court to also extend the length of detention based upon the totality of the circumstances, including the preservation of public safety, warranting an extension. Additionally, the bill increases the length of such extension from 9 days to up to 21 days. The bill expands the list of specified offenses to include:

- Any second degree felony; and
- A third degree felony involving violence against any individual.

The court may continue to extend the period of secure detention in increments of up to 21 days by conducting a hearing before the expiration of the current period. At such hearing the court must make required written findings. If the court extends the time period of secure detention care, it must ensure that an adjudicatory hearing for the case commences as soon as is reasonably

possible and prioritize the efficient disposition of those cases in which the child has served 60 or more days in secure detention care.

The bill updates a cross reference in s. 985.26(4), F.S., to specify that the time limits relating to preadjudicatory secure detention care do not include periods of delay resulting from a continuance granted by the court. The bill removes language contained in s. 985.26(4)(b), F.S., relating to time limitations of preadjudicatory detention care because this language conflicts with new provisions relating to time limitations in the bill.

Any electronic monitoring ordered by a court as a condition of supervised release detention care may be supervised by the DJJ, a law enforcement agency, or the department and a law enforcement agency working in partnership. However, the bill specifies that it does not require a law enforcement agency to supervise a child placed on electronic monitoring.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 27-10; House 77-37