

By Senator Scott

31-1105-99

See HB

1                                   A bill to be entitled  
2           An act relating to juvenile detention; amending  
3           s. 985.211, F.S.; requiring a probable cause  
4           affidavit or written report to be made within a  
5           time certain; requiring such affidavit or  
6           report to be filed with the clerk of circuit  
7           court within a time certain; amending s.  
8           985.215, F.S.; providing for increased holding  
9           times for children charged with offenses of  
10          certain severity; amending s. 985.218, F.S.;  
11          requiring petitions for delinquency to be filed  
12          within a time certain under certain  
13          circumstances; authorizing the court to extend  
14          such times under certain circumstances;  
15          requiring release from custody under certain  
16          circumstances; providing an effective date.

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18 Be It Enacted by the Legislature of the State of Florida:

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20           Section 1. Subsections (3), (4) and (6) of section  
21 985.211, Florida Statutes, 1998 Supplement, are amended to  
22 read:

23           985.211 Release or delivery from custody.--

24           (3) If the child is released, the person taking the  
25 child into custody shall make a written report or probable  
26 cause affidavit to the appropriate juvenile probation officer  
27 within 24 hours after such release ~~3 days~~, stating the facts  
28 and the reason for taking the child into custody. Such  
29 written report or probable cause affidavit shall:

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1 (a) Identify the child, the parents, guardian, or  
2 legal custodian, and the person to whom the child was  
3 released.

4 (b) Contain sufficient information to establish the  
5 jurisdiction of the court and to make a prima facie showing  
6 that the child has committed a violation of law or a  
7 delinquent act.

8 (4) A person taking a child into custody who  
9 determines, pursuant to s. 985.215, that the child should be  
10 detained or released to a shelter designated by the  
11 department, shall make a reasonable effort to immediately  
12 notify the parent, guardian, or legal custodian of the child  
13 and shall, without unreasonable delay, deliver the child to  
14 the appropriate juvenile probation officer or, if the court  
15 has so ordered pursuant to s. 985.215, to a detention center  
16 or facility. Upon delivery of the child, the person taking the  
17 child into custody shall make a written report or probable  
18 cause affidavit to the appropriate juvenile probation officer,  
19 within 24 hours after such delivery. Such written report or  
20 probable cause affidavit must:

21 (a) Identify the child and, if known, the parents,  
22 guardian, or legal custodian.

23 (b) Establish that the child was legally taken into  
24 custody, with sufficient information to establish the  
25 jurisdiction of the court and to make a prima facie showing  
26 that the child has committed a violation of law.

27 (6)(a) A copy of the probable cause affidavit or  
28 written report made by the person taking the child into  
29 custody ~~a law enforcement agency~~ shall be filed, by the law  
30 enforcement agency which employs the person making such  
31 affidavit or written report, with the clerk of the circuit

1 court for the county in which the child is taken into custody  
2 or in which the affidavit or report is made within 24 hours  
3 ~~after the child is taken into custody and detained, within 1~~  
4 ~~week after the child is taken into custody and released, or~~  
5 ~~within 1 week~~ after the affidavit or report is made, excluding  
6 Saturdays, Sundays, and legal holidays. Such affidavit or  
7 report is a case for the purpose of assigning a uniform case  
8 number pursuant to this subsection.

9 (b) Upon the filing of a copy of a probable cause  
10 affidavit or written report by a law enforcement agency with  
11 the clerk of the circuit court, the clerk shall immediately  
12 assign a uniform case number to the affidavit or report,  
13 forward a copy to the state attorney, and forward a copy to  
14 the intake office of the department which serves the county in  
15 which the case arose.

16 (c) Each letter of recommendation, written notice,  
17 report, or other paper required by law pertaining to the case  
18 shall bear the uniform case number of the case, and a copy  
19 shall be filed with the clerk of the circuit court by the  
20 issuing agency. The issuing agency shall furnish copies to  
21 the juvenile probation officer and the state attorney.

22 (d) Upon the filing of a petition based on the  
23 allegations of a previously filed probable cause affidavit or  
24 written report, the agency filing the petition shall include  
25 the appropriate uniform case number on the petition.

26 Section 2. Subsection (5) of section 985.215, Florida  
27 Statutes, 1998 Supplement, is amended to read:

28 985.215 Detention.--

29 (5)(a) A child may not be placed into or held in  
30 secure, nonsecure, or home detention care for longer than 24  
31 hours unless the court orders such detention care, and the

1 order includes specific instructions that direct the release  
2 of the child from such detention care, in accordance with  
3 subsection (2). The order shall be a final order, reviewable  
4 by appeal pursuant to s. 985.234 and the Florida Rules of  
5 Appellate Procedure. Appeals of such orders shall take  
6 precedence over other appeals and other pending matters.

7 (b) Except as provided in paragraph (e), a child may  
8 not be held in secure, nonsecure, or home detention care under  
9 a special detention order for more than 21 days unless an  
10 adjudicatory hearing for the case has been commenced by the  
11 court.

12 (c) Except as provided in paragraph (e), a child may  
13 not be held in secure, nonsecure, or home detention care for  
14 more than 15 days following the entry of an order of  
15 adjudication.

16 (d) The time limits in paragraphs (b) and (c) do not  
17 include periods of delay resulting from a continuance granted  
18 by the court for cause on motion of the child or his or her  
19 counsel or of the state. Upon the issuance of an order  
20 granting a continuance for cause on a motion by either the  
21 child, the child's counsel, or the state, the court shall  
22 conduct a hearing at the end of each 72-hour period, excluding  
23 Saturdays, Sundays, and legal holidays, to determine the need  
24 for continued detention of the child and the need for further  
25 continuance of proceedings for the child or the state.

26 (e) For good cause shown, the court may extend the  
27 time limits for detention specified in paragraphs (b) and (c)  
28 to 30 days if the child is charged with a capital felony, a  
29 life felony, or a felony of the first degree and the nature of  
30 the charge requires additional time for the prosecution or  
31 defense of the case.

1 Section 3. Subsection (1) of section 985.218, Florida  
2 Statutes, 1998 Supplement, is amended to read:

3 985.218 Petition.--

4 (1) All proceedings seeking a finding that a child has  
5 committed a delinquent act or violation of law shall be  
6 initiated by the state by the filing of a petition for  
7 delinquency by the state attorney. The petition for  
8 delinquency shall be filed within 14 days after the arrest, or  
9 within 25 days after the arrest if the state attorney  
10 determines that forensic evidence is required. The time  
11 periods may be extended by the court if the state seeks to  
12 waive the juvenile to adult court or for other good cause. If  
13 the petition is not filed within such time periods, the  
14 juvenile shall be released from custody.

15 Section 4. This act shall take effect October 1, 1999.

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18 LEGISLATIVE SUMMARY

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20 Requires a probable cause affidavit or written report to  
21 be made within 24 hours after taking a juvenile into  
22 custody and a copy of the affidavit or report to be filed  
23 with the clerk of the circuit court within 24 hours after  
24 being made. Provides for holding for up to 30 days a  
25 child charged with a capital felony, a life felony, or a  
26 felony of the first degree and the nature of the charge  
27 requires additional time for the prosecution or defense  
28 of the case. Requires petitions for delinquency to be  
29 filed within 14 days after the arrest, or within 25 days  
30 after arrest if the state attorney determines that  
31 forensic evidence is required.